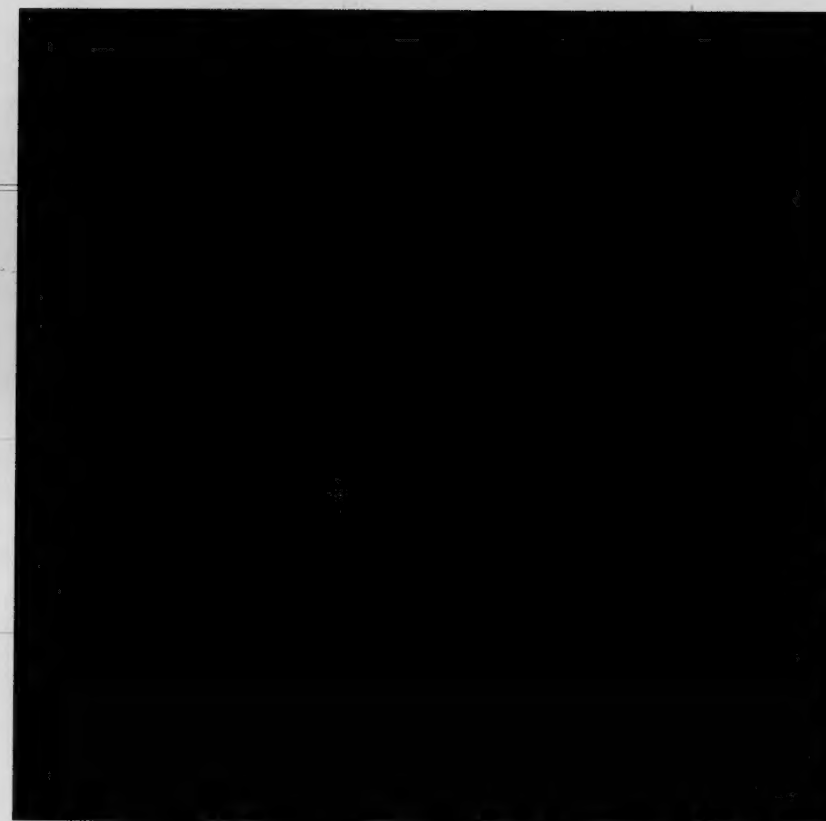
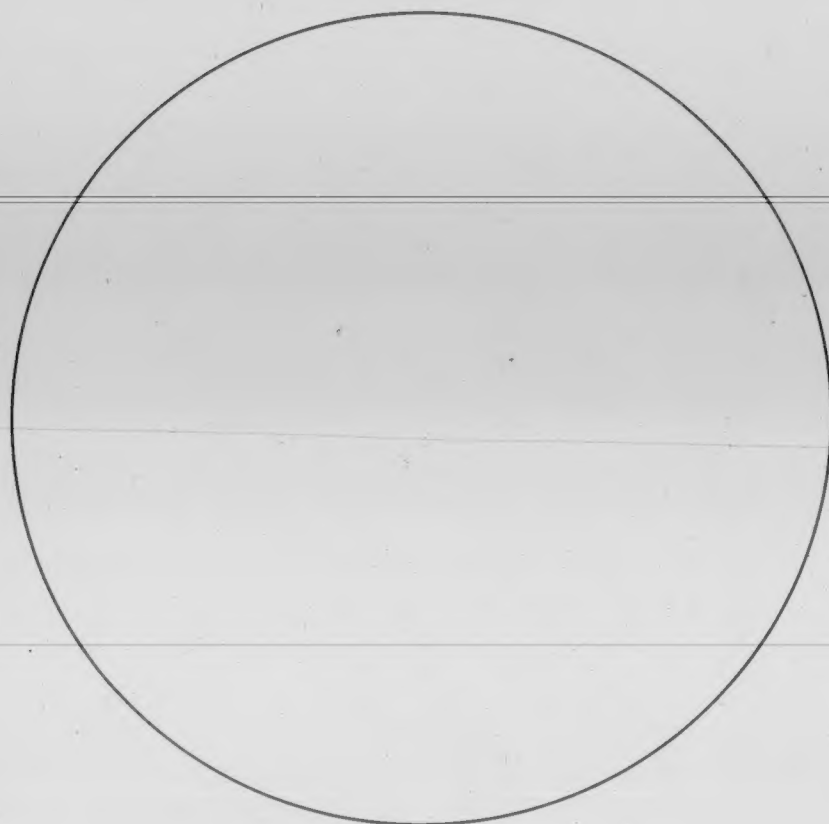
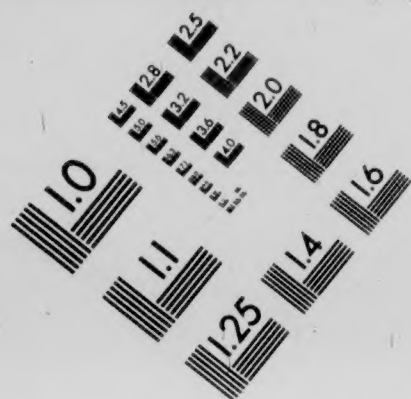




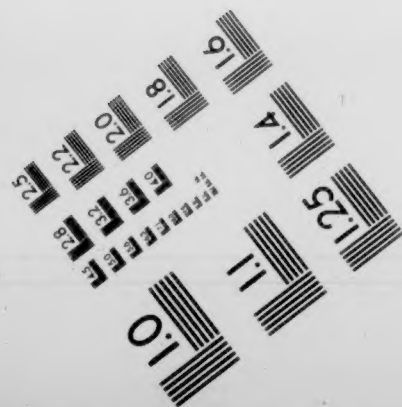
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

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MISSISSIPPI CHOCTAW MCR 268- MCR 318

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WASHINGTON: 1983

Choctaw MCR 268

Emma U. Biggs

MCR 268

See MCR 267 and 1040

REFUSED.

DECISION RENDERED. JAN 15 1902
RECORD FORWARDED DEPARTMENT.

JAN 30 1902

NOTICE OF DECISION MAILED APPLICANT

JAN 30 1902

**NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.**

JAN 30 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

JAN 30 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 7 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

APR 17 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT**

APR 17 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

APR 17 1902

REFER TO M. C. R. 267, and 1040

MC-12-68

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18th, 1900.

In the matter of the application for identification as Mississippi Choctaws of Emma V. Biggs, and her two minor children and also of two orphans for whom she is guardian. Emma V. Biggs, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Emma V. Biggs.
- Q What is your age? I am forty-two years old.
- Q What is your postoffice address? A Ryan, I. T.
- Q Do you live at Ryan? A Yes sir.
- Q How long have you lived there? A Since September, 1899.
- Q Where did you live before going to Ryan? A Was born and raised in the Choctaw Nation in Mississippi.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q What was your father's name? A C. G. Pittman.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Elizabeth Pittman.
- Q Is she living? A No sir she is dead.
- Q Through whom do you claim your rights to Indian blood, your father or your mother? A My mother.
- Q I understand that you make claim as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under the 14th article of the treaty of 1830? A Yes sir.
- Q Did you ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir I did not.
- Q Did your ancestors ever taken advantage of the 14th article of the treaty of Dancing Rabbit Creek. A Not that I know of.
- Q Did you or any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir, I don't know of their ever receiving any land.
- Q When did you leave Mississippi? A You mean how long have I been here? (Com. yes.) Since last September, when I put in my ---
- Q Then when you heard that you were entitled to rights as a Mississippi Choctaw you came then for the purpose of establishing your rights? A Yes sir.
- Q When did you come to the Indian Territory? A Last September.
- Q For that purpose alone? A Yes sir.
- Q Came direct from the Choctaw Nation in Mississippi? A Yes sir.
- Q Was your mother recognized by the Choctaw Indians in Mississippi as a Choctaw Indian. A I will say I don't know just exactly what to say about it. My mother was raised there and is part Indian, but recognized by law I don't know about that; I don't know that she was.
- Q You state that you claim your right to identification as a Mississippi Choctaw under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Through whom do you claim that right? A My great grand mother was a full blood Choctaw. She was a Baptiste - Rebecca Baptiste.
- Q Was she living at the time that the treaty was made between the Choctaws and the United States in 1830, known as the treaty of Dancing Rabbit Creek? A I don't know sir.
- Q You stated that you did not know whether your ancestors were ever beneficiaries under the provisions of article 14 of the treaty of 1830 as to receiving any land. A I said I did not think they did.
- Q Have you any testimony or affidavits in support of your case? A (Hands in paper)
- Q You base your claim entirely upon this 14th article of the treaty of 1830. A I said I did not understand.
- Q You said you did base your claim upon the 14th article of the treaty of 1830; now, do you base your claim entirely upon this article of this treaty? A No sir I do not.

Emma V. Biggs. -2-

Q Do you claim under the 15th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you claim under the 19th article of the treaty of Dancing Rabbit Creek. A No sir.

Q Do you claim under the Supplement to the Treaty of 1830. A No sir.

Q Do you claim under any other treaty made between the United States and the Choctaw Indians. A No sir.

Q Then as I understand it you base your claim entirely upon the 14 article of the treaty of Dancing Rabbit Creek, is that correct? (No Answer)

Q (Question repeated) A No sir, I do not, I did not understand the question at first.

Q Are you married? A Yes sir.

Q What is your husband's name? A T. C. Biggs.

Q Is he living? A Yes sir.

Q Do you make any claim for him? A Just make claim for myself and children.

Q Then you don't claim anything for your husband? A No sir, I don't want to make - - -

Q The purpose of this application is for yourself, your two children and two wards, - you make no claim for him? A No sir.

Q What are the names of your children who are under 21 years of age? A Mary Elizabeth Biggs, 11 years old, William T. Biggs, 8 years old.

Q You are the mother of these children? A Yes sir.

Q I understand that you also make claim for two orphans, minors, for whom you are guardian? A Yes sir.

Q Who are these children? A ~~KKK~~ Surry Grafton aged 14, and Harland Grafton aged 12.

Q Have these children any Choctaw blood? A Yes sir, their mother was my own sister.

Q What was their father's name. A His name was Harland Grafton.

Q He dead? A Yes sir.

Q Was the mother of these children his wife? A Yes sir, Carrie A. Grafton.

Q She claims to be 1/8 Choctaw blood. A Yes sir.

Q Was she your full sister. A Yes sir.

Q Are there any additional statements that you desire to make in regard to your claim for identification as a Mississippi Choctaw at this time? A I don't understand

Q Is there anything additional that you wish to say to the Commission at this time in regard to your claim as a Mississippi Choctaw? (Not answered)

(By J. O. Pool, atty)

Q Have you any improvements in the Indian Territory? A I have, yes sir.

Q What do they consist of? A A farm.

Q Your claim here is based solely upon the treaty of 1830 between the Mississippi Choctaw people and the United States Government? A Yes sir.

Q And based upon no particular article of that treaty but on it in entirety - on the whole treaty? A Yes sir.

(By Commission)

Q Is there any written testimony which you desire to file?

Petition of Emma V. Biggs, affidavits of Cato Sandifer, Joe Sandifer, and joint affidavit of H. L. McNair, E. J. Utterback and R. L. Hollingsworth, also affidavit of H. L. McNair, all offered in evidence, marked exhibit "A" and filed.

Q Any other statements you wish to make at this time. A No sir
The decision of this Commission as to the application of yourself

Thoma V. Biggs, -3-

and of your two minor children and of your two wards for identification as Mississippi Choctaws, will be forwarded to you in writing at your present postoffice address.

A. McElrath, being first duly sworn, states that he, as stenographer to the Commission of the Five Civilized Tribes, reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

A. McElrath

Subscribed and sworn to before me this 27 day of July, 1900.

[Signature]

Acting Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Emma V. Biggs, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Emma V. Biggs, et al., M.C.R. 268
Felix J. Pittman, et al., M.C.R. 267
Zachary Taylor Pittman, et al., M.C.R. 1040

List of papers forwarded to the Secretary of the Interior with the record in the above case, with the page occupied by each in the record.

	Page.
Original application of Emma V. Biggs before the Dawes Commission for enrollment as a Choctaw citizen by blood,	1
Original application of Emma V. Biggs, et al., before the Dawes Commission for identification as Mississippi Choctaws,	3
Petition of Emma V. Biggs to the Secretary of the Interior and Commissioner of Indian Affairs,	6
Affidavit of J.O.Pool in support of petition,	8
Affidavit of Emma V. Biggs in support of petition,	9
Petition of Emma V. Biggs to the Dawes Commission,	10
Affidavit of F.J.Pittman in support of same,	13
Affidavit of Emma V. Biggs in support of same,	14
Affidavit of Gato Sandifer,	15
Affidavit of Abe Brown,	17
Affidavit of Joe Sandifer,	19
Joint affidavit of H.L.McNair, B.S.Utterbach and R.L.Hallingsworth,	21
Affidavit of H.L.McNair,	23
Original application of Felix J. Pittman, et al., before the Dawes Commission for identification as Mississippi Choctaws,	25
Decision of the Commission denying the application of Felix J. Pittman, et al., for identification as Mississippi Choctaws,	27
Copy of letter transmitting decision to Felix J. Pittman,	29

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Registry Receipt,	30
Written appearance of Chester Howe,	31
Original application of Zachary Taylor Pittman et al., before the Dawes Commission for identification as Mississippi Choctaws,	32
Petition of Zachary Taylor Pittman to the Dawes Commission,	36
Affidavit of Emma V. Biggs,	37
Joint affidavit of H.L.McNair, T.J.Roach and Abram Brown,	38
Joint affidavit of G.W.Mimms, Sr., D.T.Lee and H.J.Sarrett,	39
Certified copy of marriage license and certificate between Z.T.Pittman and Miss Fannie Burnett	40
Copy of departmental letter remanding the applica- tion of Felix J.Pittman, et al., to the Commission for rehearing,	41
Copy of letter from the Commission to the Commis- sioner of Indian Affairs notifying him of the re- hearing and consolidation of the above cases,	45
Copy of letter from the Commission to Messrs Mans- field, McMurray & Cornish, attorneys for the Choc- taw Nation, of like import,	46
Copy of letter from the Commission to J.D.Pool, of counsel for applicants, of like import,	47
Copy of letter from the Commission to Felix J. Pittman, one of the applicants, of like import,	48
Copy of letter from the Commission to Zachary Tay- lor Pittman, one of the applicants, of like import,	49
Copy of letter from the Commission to Emma V.Biggs, one of the applicants, of like import,	51
Transcript of proceedings on rehearing of the within cause at Muskogee, Indian Territory, December 19, 1901	53
Final decision of the Commission in the matter of the consolidation application of Emma V. Biggs, et al., for identification as Mississippi Choctaws, denying said application,	54

MBH 268

Emma V. Pigg et al

Consolidated Co

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Felix J. Pittman for identification as a Mississippi Choctaw heard at Colbert, I. T. June 18, 1900, M. C. R. 267.

In the matter of the application for identification as Mississippi Choctaws of Emma V. Biggs for herself and her two minor children and as guardian for her two nephews, heard at Colbert, I. T. June 18, 1900, M. C. R. 268.

In the matter of the application for identification as Mississippi Choctaws of Zachary Taylor Pittman and his two minor children and for the identification of his wife Fannie C. Pittman as an intermarried Mississippi Choctaw heard at Muskogee, I. T. November 16, 1900.

Emma V. Biggs, the principal applicants and all the other applicants except the applicant in the cases 1040 Fannie C. Pittman, nee Burnett, wife of Zachary T. Pittman, who applies for identification as an intermarried Mississippi Choctaw apply for identification as Mississippi Choctaws by blood claiming descent from Rebecca Baptiste or Batiste, a full blood Mississippi Choctaw who was the wife of William Sanderfer of "mixed white and Indian blood", through her son John Sanderfer, who it is claimed was possessed of one-half Choctaw Indian blood and who married Betsy Tyler, a white woman, who was the father of Elizabeth Sanderfer, who married C. G. Pittman a white man, who was the mother of the principal applicant in these several cases.

The following named descendants of the common ancestor Rebecca Baptiste or Batiste appear of record as applicants for identification as Mississippi Choctaws by blood:

Zachary T. Pittman)	(John Burnett Pittman
and his) -----	(
children)	(Mildren Aren Pittman
Felix J. Pittman)	(Nellie Pittman
and) -----	(Leonard Pittman
his children)	(Janie Elizabeth Pittman
	(Hazel Dean Pittman
Emma V. Biggs, nee Pittman)	(Mary Elizabeth Biggs
and) -----	(
her children)	(William T. Biggs
Children of Carrie)	(Surry Grafton
A. Grafton, nee Pitt-) -----	(
man, deceased.)	(Harland Grafton

Applicants for identification as
intermarried Mississippi Choctaws.

M. C. P. 1040 Fannie C. Pittman, wife of Zachary T. Pittman.

The proof shows that the applicant in this case is a white person not possessed of Choctaw Indian blood.

Fannie T. Pittman who the record shows is a descendant of the common ancestor Rebecca Baptiste or Batiste has failed to enter appearance or in any manner prosecute before this Commission any rights which she may have as a Mississippi Choctaw.

The records of the Commission show that Emma V. Biggs the principal applicant in these consolidated cases appeared before this Commission at South McAlester, Indian Territory during September 1899 and made application for enrollment as a citizen by blood of the Choctaw Nation and that said application was refused under the law of June 28, 1898. The record then made is now made a part of the record in the case of this applicant for identification as a Mississippi Choctaw.

The evidence shows that all of the applicants in these several cases resided in the State of Mississippi from their birth until their removal to the Indian Territory where they have resided for nine months prior to the date of their application.

The evidence submitted as proof of line of Indian descent claimed is the oral testimony of applicants and the affidavits of Cato Sanderfer, 87 years of age, a former slave, the property of William Sanderfer, Abe Brown, 75 years of age, Joe Sanderfer 84 years of age a former slave, the property of John Sanderfer, H. L. McNair, D. S. Utterbach and R. L. Hollingsworth, citizens of Hind and Copiah Counties, Mississippi.

The affidavits here referred to are part of the record in case M. C. P. 268 Emma V. Biggs et al., and tend to show an unbroken line of descent of the applicants from the common ancestor Rebecca Baptiste or Batiste.

Applicants testify orally that they have no knowledge of compliance on part of their ancestor with any of the provisions of the 14th article of the treaty concluded between the United States and the Choctaw tribe of Indians in Mississippi on the 27th day of September 1830, nor have the applicants offered any evidence either of witnesses in person or of a documentary character tending to show that their ancestors ever complied with or attempted to comply with the provisions of the 14th article of said treaty.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., DECEMBER 19, 1901.

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In the matter of the application for identification
as Mississippi Choctaws of Emma V. Biggs et al., M.C.R.268.

In the matter of the application for identification
as Mississippi Choctaws of Felix J. Pittman et al., M.C.R.267.

In the matter of the application for identification
as Mississippi Choctaws of Zachary T. Pittman et al., M.C.R.1040.

In accordance with the letter of the Commissioner of Indian Affairs of July 25, 1901, remanding to this Commission for further hearing the case of Felix J. Pittman et al., the case of these applicants has been combined with the cases of Emma V. Biggs et al., and Zachary T. Pittman et al., claiming descent from the same common ancestor, Rebecca Baptiste or Batiste, for the purpose of the introduction of additional testimony in support of such applications. Notice of the hearing of such additional testimony was furnished the several applicants herein, their attorney and the attorneys for the Choctaw and Chickasaw Nations, November 14, 1901. The cases of the several applicants herein being set for rehearing on this date, and the cases being called, no appearance was made by any of the applicants herein, their attorney nor the attorneys for the Choctaw and Chickasaw Nations.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above consolidated case on the 19th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said case on said date.



Subscribed and sworn to before me this 2 day of December,
A.D. 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., DECEMBER 19, 1901.

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Subscribed and sworn to before me this 21st day of December,
A.D. 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., DECEMBER 19, 1901.

-----oOo-----

In the matter of the application for identification
as Mississippi Choctaws of Emma V. Biggs et al., M.C.R.268.

In the matter of the application for identification
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Subscribed and sworn to before me this 21st day of December,
A. D. 1901.



Commissioner.

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Emma V. Biggs for enrollment as a Chectaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Emma V. Biggs.

Q How old are you? A Thirty-nine.

Q You have never been on the Chectaw rolls here in the Chectaw Nation? A I have not.

Q Have your parents ever been on the rolls here? A They have not.

Q Where are you living? A At Durant.

Q How long have you been living there? A About a week.

Q Where did you come from? A Mississippi.

Com'r McKennon: You cannot be enrolled unless you can show that your ancestors complied with the 14th Article of the Treaty of 1830; that is the only ground upon which we have authority to do anything for you; are you prepared with any such proof as that?

A I don't know anything about it at all.

Com'r McKennon: Enrollment is refused.

Q Have you removed your effects to Durant? A Yes sir.

Q Your household goods? A Yes sir.

Q What degree of blood have you? A My great grandmother was a full-blood Chectaw Indian.

Q What degree of blood have you? A I don't know sir, my mother was a white woman.

Q What was your father? A He was a white man.

Q Your father and mother were both white people? A Well I tell you I didn't know until very recently that I could prove my identity, when the Commission was in Mississippi I didn't know anything about it.

Emma V. Biggs (42)

Q You didn't know you had any Choctaw blood at all until recently? A Yes sir, I know, but I didn't know I could trace it back.

Q You don't know what degree of blood you have? A If you read this paper you can see.

Q You say your father and mother were both white people?

A Mother of course had Indian blood in her, strong, but I didn't know anything about what degree it was; I know she looked very much like an Indian.

Com'r McKee then: Enrollment is refused.

Applicant: My mother was one-fourth Indian, and my father a white man.

Department of the Interior,
Commissioner of the General Land Office

I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes

W. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma V. Biggs for the identification of herself and her minor children, Mary Elizabeth and William T. Biggs, and as guardian, for Surry Grafton and Harland Grafton, orphans, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Emma V. Biggs appeared before the Commission at Colbert, Indian Territory, June 18, 1900, and there made application for the identification of herself and her minor children, Mary Elizabeth Biggs and William T. Biggs, and as guardian, for Surry Grafton and Harland Grafton, orphans, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the

identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Emma V. Biggs for herself and for her minor children, Mary Elizabeth Biggs and William T. Biggs, and as Guardian, for Surry Grafton and Harland Grafton, orphans, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Emma V. Biggs for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Emma V. Biggs, appeared before the Commission at South McAlester, Indian Territory, during the month of September, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant did not remove to the Indian Territory in compliance with the act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Emma V. Biggs for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____ day of _____, 1901.

CONSOLIDATED CASE OF
EMMA V BIGGS ET AL
MC R 268

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Emma V. Biggs, et al,
for identification as Mississippi Choctaws, consolidating the
applications of

Emma V. Biggs, et al,	H.C.R. 268
Felix J. Pittman, et al,	H.C.R. 267
Zachary Taylor Pittman, et al,	H.C.R. 1040

D E C I S I O N .

The record in the above consolidated cases shows that there were, originally, three applications made separately by the parties named at the times and placed herein set forth, to-wit:

In the matter of the application of Emma V. Biggs for the identification of herself and her two minor children, Mary Elizabeth and William T. Biggs, and for the identification of her two minor wards, Surry and Harland Grafton, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 16, 1900.

In the matter of the application of Felix J. Pittman for the identification of himself and his four minor children, Nellie, Leonard, Jamie Elizabeth, and Hazel Dean Pittman, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 16, 1900.

In the matter of the application of Zachary Taylor Pittman

(2)

for the identification of himself and his two minor children, John Burnett and Mildren Aren Pittman, as Mississippi Choctaws, and for the identification of his wife, Fannie C. Pittman, as an intermarried Mississippi Choctaw, taken at Muskogee, Indian Territory, November 16, 1900.

While these several applications have been consolidated and are to be considered together as a whole, yet it will be necessary, in view of the varied proceedings taken in each, to consider them, in a measure, separately. Taking them in the order named, we find from the record in the case of Emma V. Biggs, et al, that some time in September, 1899, the said Emma V. Biggs appeared before the Commission at South McAlester, Indian Territory, and there made application for the enrollment of herself as a Choctaw by blood; and that her application was denied by the Commission for the reason that her name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, and for the further reason that it did not appear from the evidence that the said applicant had removed to the Indian Territory in compliance with the act of Congress of June 28, 1898, commonly called the Curtis Act, which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Subsequently, on June 18, 1900, the said Emma V. Biggs appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children and two minor wards who were living with her, as Mississippi Choctaws.

The record in this case further shows that the principal

(3)

applicant, Emma V. Biggs, and her two minor children and the two minor wards for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The principal applicant applies for the identification of herself and her two minor children and two minor wards, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. She claims descent from Elizabeth Sanderfer, an alleged one quarter blood Choctaw woman, who married C. G. Pittman, a white man, and who are the parents of the applicant, and now deceased. She claims descent for the two wards for whom she makes application from Carrie A. Grafton, an alleged one eighth blood Choctaw woman, who the applicant claims is her full sister. The evidence offered in support of this application, aside from the oral statement of the principal applicant herself, embraces the ex parte affidavits of Cato Sandifer, Abe Brown and Joe Sandifer; the joint affidavit of H. L. McNair, D. S. Utterbach and R. L. Hallingworth, and the additional affidavit of H. L. McNair. By the oral statement of the principal applicant, it is shown that she

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claims to be possessed of one eighth Choctaw blood, and she traces her alleged Indian descent through her mother and grandfather to her great grandmother, whom she states was Rebecca Baptiste (or Batiste), whom she claims was a full blood Choctaw woman, who married William Sanderfer, a man of mixed white and Indian blood. Her oral testimony also sets forth the fact that she was born in the state of Mississippi and lived there until 1899 when she came to the Indian Territory, and that her ancestors through whom she claims all lived in the state of Mississippi; by her testimony it is also shown that she had a full sister, named Carrie A. Pittman, who married one G. H. Grafton, and that both said parties are now dead, leaving two minor children surviving, and that she, the said Emma V. Biggs, the principal applicant herein, is the guardian of said minor children. By the affidavits of Cato and Joe Sanderfer the Indian descent of the principal applicant is traced to Rebecca Baptiste (or Batiste), whom affiants claim was a full blood Choctaw woman and well known to them. It is also shown by said affidavits that the grandfather of the principal applicant herein, John Sanderfer, married and was the head of a family in the state of Mississippi as early as the year 1822 or 1823. The other affidavits mentioned herein only tend to establish the relationship of the principal applicant to her mother, and the relationship of the two wards, Surry and Harland Grafton, for whom application is made, to the principal applicant herein. Nothing in any of the above affidavits or in the oral testimony of the principal applicant herself tends to show a compliance on the part of any of the ancestors through whom said principal applicant claims with any of the provisions of article fourteen of the treaty of 1830. In fact it is clearly shown by the principal applicant's oral testimony

that her ancestors never complied or attempted to comply with any of the provisions of that article.

The record in the application of Felix J. Pittman, et al, being the next in order of the above cases, shows that on June 18, 1900, the said Felix J. Pittman appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his four minor children, Nellie, Leonard, Janie Elizabeth and Hazel Dean Pittman as Mississippi Choctaws.

The record in this case further shows that the principal applicant, Felix J. Pittman, and his four minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that Tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The principal applicant applies for the identification of himself and four minor children as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. He claims descent from Elizabeth Sanderfer, an alleged one quarter blood Choctaw woman who married C. G. Pittman, a white man, and who

(6)

are the parents of the applicant and now deceased. The only evidence offered in support of this application is the oral testimony of the principal applicant himself, and therein he only traces his Indian descent to his mother Elizabeth Pittman (nee Sanderfer). He also states that he was born in Mississippi and that he resided

there until the year 1899, but in no way does he establish the fact that any of his ancestors were ever recognized members of the Choctaw tribe of Indians or that they ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830.

The record in the application of Zachary Taylor Pittman, being the last of the above consolidated cases, shows that on November 16, 1900, the said Zachary Taylor Pittman appeared before the Commission at Muskogee, Indian Territory, and there made application for the identification of himself and his two minor children John Burnett and Mildren Aren Pittman as Mississippi Choctaws, and for the identification of his wife, Bannie C. Pittman, as an inter-married Mississippi Choctaw.

The record in this case further shows that the principal applicant, Zachary Taylor Pittman, and his wife and two children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or Committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The principal applicant, Zachary Taylor Pittman, applies for the identification of himself and his two minor children as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek; and also for the identification of his wife as an intermarried Mississippi Choctaw. He claims descent from Luvina Pittman (nee Sanderfer) an alleged one half blood Choctaw woman, who married Calvin G. Pittman, a white man, and who are the parents of the said applicant, and now deceased. He claims to be a brother of the two foregoing principal applicants herein mentioned, Emma V. Biggs and Felix J. Pittman. The seeming discrepancy in his testimony as to his parentage will be explained in the affidavit of his sister, Emma V. Biggs, filed by him in support of his application. The evidence offered in support of this application, aside from the oral testimony of the principal applicant himself, embraces the ex parte affidavit of Emma V. Biggs, the joint affidavit of H. L. McNair, T. J. Roach and Abram Brown, and the joint affidavit of George Mirns, Sr., D. T. Lee and H. J. Sarratt. By his oral statement, he traces his Indian descent to Rebecca Baptiste (or Batiste), his great grandmother, whom he alleges was a full blood Choctaw woman residing in the state of Mississippi. He also claims that he himself is a quarter blood Choctaw. By the affidavit of Emma V. Biggs he establishes the fact that she is his full sister, and that he is a son of Elizabeth L. Patten and C. G. Pittman, thus satisfactorily accounting for the seeming difference in parentage between himself and his

co-applicants, brother and sister to him, which would arise from his own personal testimony. By the joint affidavit of H.L. McNair, T. J. Beach and Abram Brown, he establishes the fact that affiants have been acquainted with him and with his mother, Elizabeth J. Pittman (nee Sanderfer) for forty five or fifty years, and that during the said time they resided in the state of Mississippi, and were there considered as Indians. The other joint affidavit filed by him simply establishes that the principal applicant is a son of Elizabeth Pittman (nee Sanderfer), and that they lived in the state of Mississippi. Nothing in either the affidavits filed herein nor in the oral testimony of the principal applicant himself tends to show a compliance on the part of the applicant or his ancestors through whom he claims with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

The record in these cases shows that on June 18, 1900, the day on which the original application was made in the case of Felix J. Pittman, et al, the Commission rendered an oral decision denying his application for identification as Mississippi Choctaws, and that on August 3, 1900, a written decision of the Commission to the same effect was furnished said applicant; there is nothing in the record to show that any decision was ever furnished the applicant Emma V. Biggs, and the applicant Zachary Taylor Pittman. On December 3, 1900, the original testimony heard in the application of Felix J. Pittman, et al, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The record does not show that the testimony taken in the application of Emma V. Biggs, et al, or in the application of Zachary Taylor Pittman, et al, was ever forwarded to the Secretary of the Interior.

On July 25, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Department in the case of Felix J. Pittman, et al, for further hearing.

In accordance with the instructions of the Commissioner of Indian Affairs, this office, on November 14, 1901, notified Felix J. Pittman that his application had been forwarded to the Secretary of the Interior and by him remanded to the Commission for further hearing, and that on Tuesday, December 19, 1901, at nine o'clock a.m., at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, there would be heard the testimony of such witnesses as might be presented by him or on behalf of the Choctaw Nation. Notice was also given him that the applications of Emma V. Biggs and Zachary Taylor Pittman would be consolidated with his own as claiming through the same common ancestor. Notice of said consolidation and of said rehearing was at the same time given to Emma V. Biggs and Zachary Taylor Pittman, as well as to their attorneys of record, and to Messrs Mansfield, McMurray and Cornish, attorneys for the Choctaw Nation.

On December 19, 1901, at nine o'clock a.m., at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, this case was called for hearing, and no appearance was made by either the applicants, their attorneys, or by the attorneys for the Choctaw Nation.

The only evidence, therefore, in these consolidated cases embraces the oral statements of the principal applicants and the affidavits filed by them, which simply tend to establish the fact that they are descendants of one Rebecca Baptiste (or Batiste), an

alleged full blood Choctaw woman, who married one William Sanderfer, a man of mixed white and Indian blood, and that they and their ancestors resided in the state of Mississippi. There is nothing in the record in any of these applications to show that the applicants, their parents or Rebecca Baptiste (or Batiste), the remotest known common ancestor, were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830, nor does it appear from the record of the United States in the possession of the Commission, that any person by the name of Baptiste (or Batiste), Sanderfer, Pittman, Biggs or Grafton, was ever a claimant or received benefits under the provisions of article fourteen of the treaty of 1830.

The authority vested in the Commission by the 21st Section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

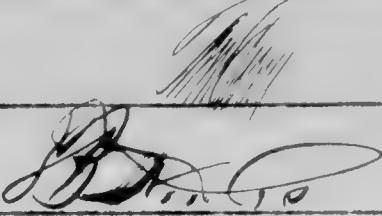
It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma V. Biggs, Mary Elizabeth Biggs, William T. Biggs, Surry Grafton, Harland Grafton, Felix J. Pittman, Nellie Pittman, Leonard Pittman, Jamie Elizabeth Pittman, Hazel Dean Pittman, Zachary Taylor Pittman, John Burnett Pittman and Mildren Aren Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identifi-

(11)

cation as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Zachary Taylor Pittman for the identification of his wife, Fannie C. Pittman, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



C. R. Bucknidge

Commissioners.

Muskogee, Indian Territory,

JAN 15 1902

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7992--1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the acting chairman of the Commission to the Five Civilized Tribes, dated January 30, 1902, forwarding for the Department's consideration the record in the consolidated case of Emma V. Biggs et al. wherein the applicants apply for identification as Mississippi Choctaws entitled to rights in the land of the Choctaw Nation under the provisions of the 14th article of the treaty of 1830.

Emma V. Biggs applies for the identification of herself and her minor children, Mary Elizabeth and William P. Biggs, as Mississippi Choctaws by blood, and for the identification of her two minor wards, Surry and Harlan Grafton, as Mississippi Choctaws by blood.

Pelix J. Pittman applies for the identification of himself and for that of his minor children, to-wit: Nellie Leonard, Janie Elizabeth and Hazel Dean Pittman.

Zachary Taylor Pittman applies for the identification of himself and his two minor children, John Burnett and Mildren Aren Pittman as Mississippi Choctaws, and also for the identi-

fication of his wife, Yannie C. Pittman, as a Mississippi Choctaw by intermarriage.

Emma V. Biggs and Felix J. Pittman claim that Elizabeth Pittman (nee Sanderfer) was their mother; that she was a quarter blood Choctaw woman; and that she married C. G. Pittman a white man.

Zachary Taylor Pittman alleges that his mother was Luvinia Pittman (nee Sanderfer) an alleged quarter blood Choctaw woman who married C. G. Pittman.

By the affidavit of Emma V. Biggs and others it is shown that the principal applicants herein are brothers and sister and that their mother's name was Elizabeth. They attempt to trace descent to their alleged great grandmother, Rebecca Baptiste or Patiste.

January 15, 1902, the Commission held the evidence was not sufficient to warrant the identification of the applicants who apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the 14th article of the treaty of 1830, and that Yannie C. Pittman, wife of Zachary Taylor Pittman was not entitled to identification as an intermarried Mississippi Choctaw.

The office has considered the evidence in the case, and an examination of the records of the office relative to Mississippi Choctaws, has been made, and no record has been

found showing that Rebecca Baptiste or Natiste, or Elizabeth Sanderfer, acquired rights under the 14th article of the treaty of 1830 by complying with its provisions or that either of said parties, or these applicants, had their rights, if any they had, adjudicated by the commissions appointed under the acts of Congress approved March 3, 1837 and August 13, 1842.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the parties be approved.

The record shows that each of the principal applicants and their attorneys and also the attorneys for the Choctaw and Chickasaw Nations were notified by registered letter of the Commission's decision, and also of the fact that the record had been forwarded to the Department for consideration.

Very respectfully,
Your obedient servant,

A. C. TONNER

Acting Commissioner

G.A.W. (S)

20629

J.P.

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DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2027-1902.
File 896-1898.

April 7, 1902.

L.R.G.

Commission to the wife civilized Tribes,

Muskogee, I.T.

Gentlemen:

The Department has considered the consolidated case forwarded with your letter of January 30, 1902, involving the applications of the following named persons for identification as Mississippi Choctaws:

Emma V. Biggs, et al.,
Felix J. Pittman et al.,
Zachary Taylor Pittman et al.;

and the application of Zachary Taylor Pitman for the identification of his wife as a Mississippi Choctaw by intermarriage.

It is stated in your decision of January 16, 1902, rejecting said application that there is nothing in the records in your possession or in the evidence to show that the applicants have ever been enrolled or admitted to Choctaw citizenship, or that their ancestors through whom all of the applicants trace their alleged Choctaw descent, were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with the fourteenth article of the treaty of 1830 or presented their names as beneficiaries under said article to

either of the commissions authorized by acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. See the 21st section of act of June 25, 1838 (30 Stat., 495), and opinion of the Assistant Attorney General of December 3, 1901 approved by the Department.

You also rejected the application of Zachary Taylor Pittman for the identification of his wife as an intermarried Mississippi Choctaw on the ground that under the law authorizing you to identify Mississippi Choctaws no person is entitled to identification by marriage.

The Acting Commissioner of Indian Affairs in his report in the matter on March 27, 1902, states that the records of his office do not show that the claimants' alleged ancestors acquired rights under said 14th article, or that they had their rights, if any they had, adjudicated by the commissions appointed under said acts of March 3, 1837, and August 23, 1842, and he recommends that your decision be concurred in.

The Department finds no reason to disturb your decision and it is accordingly affirmed. A copy of the Acting Commissioner's letter is herewith inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

E.M.D.

1 inclosure.

Atoka, Indian Territory, May 22, 1900.

Mr. Chester Howe

1212 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits in the case of Emma V. Biggs et al. vs. the Choctaw Nation, forwarded to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The same are returned to you herewith for the reason that there is no record of Emma V. Biggs, or any of the parties interested in said cause ever having appeared before the Commission as applicants for identification as Mississippi Choctaws. In the testimony of Emma V. Biggs, taken before the Commission at South McAlester, she makes application for enrollment as a Choctaw. The Commission can not receive application for identification as Mississippi Choctaws, except upon personal appearance of the applicant, when the party may, under oath, give sufficient testimony upon which the Commission can render a decision, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review. The petitioners may appear before the Commission at this office, if they desire. The Commission, however, will be at Atoka from June 4th to June 8th, and at Colbert from June 11th to

C.H. W.

June 16th, 1900, inclusive, for the purpose of hearing applicants for enrollment and for identification as Mississippi Choctaws. Upon such personal appearance, the petitioners may submit any additional written affidavits or testimony which they may desire in furtherance of their claims. You will please so advise the interested parties in said cause.

Yours truly,

Acting Chairman.

1-25

Muskogee, Indian Territory, November 14, 1901.

Edward J. Higgins,

Ryan, Indian Territory.

Sir:

In relation to the application of Felix J. Pittman for identification of his Mikschigami Ojibwa, you are informed that under date of January 1, 1901, the Commissioner of Indian Affairs directed that the record heretofore forwarded the Department be returned, with instructions that an opportunity be given to the applicant for additional testimony of applicant's or witnesses in support of such application.

It appears from our record that at Colbert, Indian Territory, on January 1, 1901, you made personal application to this Commission for identification of yourself and your two minor children as being of Ojibwa descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Thursday,

R. V. U. 2.

December 10, 1901, at nine o'clock A. M., there will be heard the
testimony of such witnesses as present themselves in person in sup-
port of your application.

Yours truly,

R. V. U. 258

Acting Chairman.

Macgregor, Indian Territory, December 14, 1901.

J. O. Pool,

Attorney at Record,

Macgregor, Texas.

Dear Sir:

You are hereby notified that in accordance with the instructions of the Secretary of the Interior, on Thursday, December 14, 1901, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may present themselves in person in the cases of Felix J. Pittman, et al, Zachary Taylor Pittman et al, and Fernal V. Digger et al, applicants to this Commission for identification as Mixed Blood Cherokees.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 14, 1901.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw Nation,

South McAlester, Indian Territory.

Gentlemen:

~~You are hereby notified that in accordance with~~
the instructions of the Secretary of the Interior, on Thursday,
December 19, 1901, at nine o'clock A. M. at the office of the
Commission to the Five Civilized Tribes at Muskogee, Indian Territory
there will be heard the testimony of such witnesses as may present
themselves in person in the case of Felix J. Pittman, et al,
Zachary Taylor Pittman et al and Emma V. Biggs, et al, applicants
to this Commission for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 14, 1901.

The Commissioner of
Indian Affairs,
Washington, D C.

Sir:

In the matter of the application for identification as a Mississippi Choctaw of Felix J. Pittman record of which was returned to the Commission with your letter of July 25, 1901 for further hearing, you are informed that under Departmental instructions of July 25, 1901, the same will be considered together with the cases of Emma V. Biggs and Zachary Taylor Pittman, applicants for identification as Mississippi Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the parties in interest in these several applications, their attorneys and the attorneys for the Choctaw Nation, that, in accordance with such instructions the testimony of witnesses in person would be heard at the office of the Commission at Muskogee, Indian Territory on Thursday, December 19, 1901, at nine o'clock A. M.

Yours truly,

Acting Chairman.

Miss. Chootaw R 222

Muskogee, Indian Territory, April 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Chootaw and Chickasaw Nations,

Gentlemen:

You are hereby advised that on the seventh day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chootaws of the several persons included in the consolidated case of Emma V. Biggs, et al., of which decision you were advised by registered mail on the fifteenth day of January, 1902.

Yours truly,

Acting Chairman.

Miss. Choctaw R 266

Muskogee, Indian Territory, April 16, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas,

Dear Sir:

You are hereby advised that on the seventh day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma V. Biggs, et al., of which decision you were advised by registered mail on the fifteenth day of January, 1902.

Yours truly,

Acting Chairman.

Miss. Choctaw R 268

Muskogee, Indian Territory, April 18, 1902.

Chester Howe,
Attorney at Law,
623 F Street, N.W.,
Washington, D.C.

Dear Sir:

You are hereby advised that on the seventh day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma V. Biggs, et al., of which decision you were advised by registered mail on the fifteenth day of January, 1902.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLE
R. BRACKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. M.C.R. 268

REFERS IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 18, 1902.

Emma V. Biggs,

Ryan, Indian Territory,

Dear Madam:

You are hereby advised that on the seventh day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma V. Biggs, et al., of which decision you were advised by registered mail on the fifteenth day of January, 1902.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 14, 1901.

Emma V. Biggs,
Ryan, Indian Territory.

Madam:

In the matter of the application of Felix J. Pittman for identification as a Mississippi Choctaw, you are informed that under date of July 25, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Colbert, Indian Territory on June 18, 1900, you made personal application to this Commission for the identification of yourself and your two minor children as Mississippi Choctaws claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Thursday,

E. V. B. 2.

December 19, 1901, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,



V. C. 268

Acting Chairman.

COPY.

CONFIDENTIAL

Muskogee, Indian Territory, January 30, 1902.

Emma V. Biggs,

Ryan, Indian Territory.

Dear Madam:

You are hereby advised that on January 15, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma V. Biggs, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma V. Biggs, et al.,
Felix J. Pittman, et al.,
Zachary Taylor Pittman, et al.

Said decision after a review of the evidence submitted, concludes as follows:

The authority vested in the Commission by the 21st Section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma V. Biggs, Mary Elizabeth Biggs, William T. Biggs, Curry Grafton, Harland Grafton, Felix J. Pittman, Nellie Pittman, Leonard Pittman, Janie Elizabeth Pittman, Hazel Dean Pittman, Zachary Taylor Pittman, John Burnett Pittman and Mildren Aren Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identifica-

X V B 2

tion made by Zachary Taylor Pittman for the identification of his wife, Fannie C. Pittman, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

H.C.R.268
Registered.

COPY.

Muskogee, Indian Territory, January 30, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

You are hereby advised that on January 15, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma V. Biggs, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma V. Biggs, et al.,
Felix J. Pittman, et al.,
Zachary Taylor Pittman, et al.

Said decision after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st Section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma V. Biggs, Mary Elizabeth Biggs, William T. Biggs, Surry Grafton, Harland Grafton, Felix J. Pittman, Nellie Pittman, Leonard Pittman, Janie Elizabeth Pittman, Hazel Dean Pittman, Zachary Taylor Pittman, John Burnett Pittman and Mildren Aren Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identifica-

J O P 2

tion as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Zachary Taylor Pittman for the identification of his wife, Fannie C. Pittman, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

M C R 268
Registered.

COPY.

Muskogee, Indian Territory, January 30, 1902.

Chester 1530,

523 F Street, N. W.,

Washington, D. C .

Dear Sir:

You are hereby advised that on January 10, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma V. Biggs, et al., embracing the following applications for identification as Mississippi Choctaws.

Emma V. Biggs, et al.,
Felix J. Pittman, et al.,
Zachary Taylor Pittman, et al.

Said decision after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the Stat. Section of the act of Congress of June 28, 1899, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma V. Biggs, Mary Elizabeth Biggs, William T. Biggs, Surry Grafton, Harland Grafton, Felix J. Pittman, Nellie Pittman, Leonard Pittman, Janie Elizabeth Pittman, Hazel Dean Pittman, Zachary Taylor Pittman, John Burnett Pittman and Mildren Aren Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identifi-

C H 2

cation as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Zachary Taylor Pittman for the identification of his wife, Fannie C. Pittman, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Smith

Acting Chairman.

M. C. R. 268
Registered.

- COPY.

Muskogee, Indian Territory, January 30, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on January 18, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma V. Biggs, et al., embracing the following applications for identification as Mississippi Choctaws.,

Emma V. Biggs, et al.,
Felix J. Pittman, et al.,
Zachary Taylor Pittman, et al.

Said decision after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 31st Section of the act of Congress of June 23, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma V. Biggs, Mary Elizabeth Biggs, William T. Biggs, Surry Grafton, Harland Grafton, Felix J. Pittman, Nellie Pittman, Leonard Pittman, Janie Elizabeth Pittman, Hazel Dean Pittman, Zachary Taylor Pittman, John Burnett Pittman and children Aren Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification should be refused, and it is so ordered?

M MCM & C 2

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Zachary Taylor Pittman for the identification of his wife, Fannir C. Pittman, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman.

M. C. R. 268
Registered.

COPY.

Muskogee, Indian Territory, January 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emma V. Biggs, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 18, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Emma V. Biggs, et al.,
Felix J. Pittman, et al.,
Zachary Taylor Pittman, et al.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Samuel D. Doby.

Through the Commissioner
of Indian Affairs.
M. C. R. 268
1 enclosure.

Acting Chairman.

MEMORANDA.

(Date) *Jan 11 1899*

Name *George H. G. 49*
 Choctaw? *1/2* County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship *Full*
 Intermarried citizen? *Yes*
 Married under what law? *Mississippi*
 License filed this day, *Nov 1 1898*
 Wife's name, _____
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____
 Married under what law? _____
 License filed this day _____

Names of children:

<i>11</i>	<i>May E. G. 1898</i>	County <i>Choctaw</i>	Year _____	Page _____	No. _____
<i>8</i>	<i>William L. G. 1898</i>	County <i>Choctaw</i>	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____

FOR IDENTIFICATION AS
 A MISSISSIPPI CHOCTAW

14 *Lucy G. Grafton (Mother: Thos. G. Grafton - died)*
12 *Thos. G. Grafton (Mother: Cora Grafton - died)*
Cora Grafton to Charles G. Grafton
to Cora G. Grafton

RECEIVED

W 268

Emma V. Riggs et al

Judgment written Feb. 5, 1901, H.H.

Case 18-1400. In Chancery

Judgment rendered

~~myself~~ ~~with~~
Lucas
Elizabeth Sanders

n/67

Felix L. Pittman

and

Let for
Thursday Dec 19 1901
Mustogee - L. L. Pittman

268



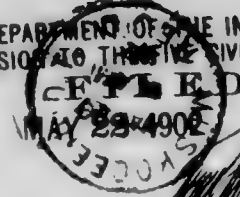
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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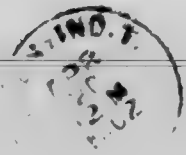
[Signature]
ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.



[Signature]
ACTING CHAIRMAN



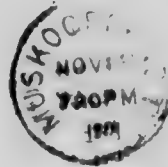
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Emma V. Biggs,

Payee
J. F.

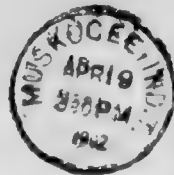
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.




RETURNS TO WRITER

Emma V. Biggs

Payee
J. F.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAR 10 1902



ACTING CHAIRMAN

R-268

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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Emma V. Biggs,

~~By~~

Indian Territory.

Rebecca Baptiste or
Batiste full
married
William Sanderfer
"Mixed White and Indian"
Dead

John Sanderfer ^{1/2} ⁵
married Dead
Betty Tyler, white
Dead

Elizabeth Sanderfer ^{1/2} ⁵
married Dead
C. G. Pittman white
Dead

Clamant as intermarried
Mississippi Choctaw

Fannie C. Pittman wife
of Zachary J. Pittman

John A. Pittman Dead

Nannie E. Pittman

Zachary J. Pittman 52 ¹/₄ ⁵
married

Fannie C. Burnett white ⁴⁰

Felix J. Pittman 48 ¹/₈

married
Sallie J. Hutchins

Leggie G. Pittman Dead

L. A. Pittman Dead

Emma V. Pittman 42 ¹/₈

married

Thaddens C. Diggs white

Carrie A. Pittman Dead
married

Harland Grafton white Dead

John Burnett Pittman 14
Mildred Aren Pittman 11

Nellie Pittman 10
Leonard Pittman 8
Fannie Elizabeth Pittman 6
Hazel Dean Pittman 4

Mary Elizabeth Diggs 11
William T. Diggs 8

Sunny Grafton 14
Harland Grafton 12

Choctaw MCR 269

Francis A. Hill

MCR 269

ACTION AS
MISSISSIPPI CHOCTAW

Francis A. Hill et al.
REFUSED.

EXHIBITMENT OF THE UNITED STATES
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

AUG - 3 1900



J. C. CHAPMAN.

RECORD FORWARDED DEPARTMENT.

DEC - 3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 27 1902

NOTICE OF DEPARTMENTAL
ACTION, MAILED APPLICANT.

FEB - 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

FEB 4 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR LANDS.

FEB - 5 1902

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of ~~Francis R. Hill~~ Francis R. Hill as a Choctaw;
being sworn and examined by Com'r McKenna she testifies:

- Q What is your name? A Francis R. Hill.
Q How old are you? A Fifty-six.
Q Where are you living? A I am living now in Texas; I claim
the Territory as my home; I went over this summer to lead cars.
Q You was born and raised in Texas? A No sir.
Q Where were you born? A In Mississippi, - Choctaw Nation.
Q Where did you go to from Mississippi? A I come to Texas.
Q How old were you when you came from Mississippi to Texas?
A I come in 1869, got here the spring of 1870.
Q You have lived in Texas ever since?
A No sir, I have lived in the Territory about one-half of the
time.
Q You are not on the rolls? A No sir.
Q Never have been? A No sir.
Q Your father and mother never have been on the rolls? A ~~My~~
~~my~~ grandmother was on the old rolls, not in this Territory, -
in Mississippi.

Com'r McKenna: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.
I, ~~John C. Hill~~, do hereby certify that as
stated above, the said Commission, that this
transcript is a true and correct translation of
my stenographic notes.

John C. Hill

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Francis A. Hill for self and one child for identification as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Francis A. Hill.
Q What is your age? A Fifty-seven.
Q What is your post-office address? A Kemp, I. T.
Q How long have you lived in the Indian Territory? A Off and on since the spring of 1870.
Q Where did you live before that? A In Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q What is your father's name? A Daniel H. Hill.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A White man.
Q What is your mother's name? A Keziah Hill.
Q She is dead? A Yes sir.
Q Was she a Choctaw Indian? A Yes sir.
Q How much Choctaw Indian blood did she have? A One-half.
Q Was her name ever on the Choctaw roll? A No sir, not that I know of.
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A She was before she left Mississippi, at least I think she was, I don't know, I wasn't here then. But my opinion is that her people was recognized.
Q What proportion of Choctaw blood do you claim to have? A One-fourth.
Q Was your name ever on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Last summer I applied.
Q At what place? A Caddo. On August 24th or 25th.
Q When you were before the Commission at Caddo last year did you claim to be a Mississippi Choctaw? A I did.
Q Did you so state in your testimony? A I never had time.
Q You would have stated that you were a Mississippi Choctaw if you had had an opportunity would you? A Yes sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A I claim under the Treaty of 1830 and any more pertaining to my case made by Congress since.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir.
Q Did you ever claim or receive any land as a beneficiary under the provisions of article 14 of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir.
Q What is the name of your child? A Daniel H. Hill.
Q How old is he? A Fifteen.
Q Is he living at home? A Yes sir.
Q What's his mother's name? A Lucy J. Hill.
Q Where did you marry her? A In Texas.
Q Do you wish to offer your marriage license and certificate in evidence? A No sir, I haven't got it.
Q Is there anything else you would like to state in regard to your case? A Not that I know of.
Q Do you wish to offer these papers in evidence do you? A Yes sir. I will have some papers that I want to file when my attorneys

Francis A. Hill et al #2

get them ready.

Q Do you want to file them to-day? A I don't know; Mr. Goodwin has got my papers and he is not here.

Acting Chairman Bixby: You will be permitted to file your papers at any time before we leave this place.

Note: Affidavit of F. A. Hill introduced in evidence; marked Exhibit "A" filed, and made a part of the record.

Decision held up until papers are filed.

★
W.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

W.D. Green
Subscribed and sworn to before me this 28 day of June 1900.


Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, June 18, 1900.

Further proceedings in the case of F. A. Hill, applicant
for enrollment as a Mississippi Choctaw; applicant appears and
files with the commission the following papers:

Affidavit of B. B. Hite offered in evidence, marked
Exhibit "A" and made a part of the record.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis A. Hill for identification of himself and on behalf of his minor child as Mississippi Choctaws.

The applicant, Francis A. Hill, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in his own behalf and on behalf of his minor child for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such; and its refusal or such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaw and Chickasaw by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaw entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaw, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Francis A. Hill, on his own behalf and on behalf of his minor child, Daniel H., is hereby refused.

BY THE COMMISSION.

Muskogee, Indian Territory, August 3 1900.


Acting Chairman

Muskogee, Indian Territory, May 11, 1900.

Mr. Chester Howe,

623 F Street, N. W.

Washington, D. C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits forwarded by you in the case of John M. Jones et al. vs. the Choctaw Nation to the Honorable Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission. The same is returned to you herewith for the reason that there is no record of F. A. Hill or any of the interested parties in said cause ever having appeared before the Commission as person as applicants for enrollment. The Commission cannot receive applications for enrollment except upon personal appearance of the applicant, when the party, under oath, may give sufficient evidence on which the Commission can render a decision, and also for forwarding to the Secretary of the Interior, when the final rolls of the Choctaw Nation are sent up to him for review. The petitioners may appear at this office at any time if they desire. But the Commission will be at Atoka, Choctaw Nation, Indian Territory, from Monday June 4th to Friday June 8th, 1900, inclusive, and at Colbert, Chickasaw Nation, Indian Territory, from Monday June 11th to Saturday June 16th, 1900, inclusive, for the purpose of hearing applicants

C.H.

for enrollment in the Choctaw and Chickasaw Nations, at which time your clients may appear and give any testimony they may desire. On such personal appearance, the petitioners will be allowed to file any additional written affidavits or testimony they may desire in furtherance of their claims. You will please so notify the parties interested in this cause.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, August 3, 1900.

Mr. Francis A. Hill,

Kemp, Indian Territory,

Dear Sir:

There is inclosed you herewith copy of the decision rendered by the Commission denying the application for identification of yourself and one minor child as Mississippi Choctaws. A copy of the testimony given by you at Colbert is also attached to the judgment.

Yours truly,

(SIGNED)

Tamr Bixby.

Acting Chairman.

Muskogee, Indian Territory, August 28, 1900

Frances A. Hill,

Kemp, Indian Territory.

Madam:

The Commission is in receipt of the affidavit of Tobias Edwards forwarded by you to be filed in the matter of your application for identification as a Mississippi Choctaw and the same has been duly filed with the records of this Commission, for forwarding to the Honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

M. C. R-269

Muskogee, Indian Territory, March 21, 1901.

P. A. Hill,

Kemp, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant in which you desire to be furnished with a list of the papers filed by you with this Commission in the matter of your application for identification as a Mississippi Choctaw.

Replying to your letter you are informed that it is impossible for the Commission to furnish you with the list desired for the reason that on December 3rd, 1900, all the original papers in your case were forwarded to the Secretary of the Interior for his consideration.

Yours truly,

Acting Chairman

M. C. R-269

-Copy-

Refer in reply to the following:

Land
61036-1900.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record including the judgment of the Commission to the Five Civilized Tribes in the matter of the application of Francis A. Hill for identification as Mississippi Choctaws of himself and one child No. 269.

The testimony given by the applicant before the Commission at Colbert, Indian Territory, June 18, 1900, states that he is a resident of Indian Territory living at Caddo; that he is 57 years of age, born in Mississippi; that his father's name is Daniel H. Hill who was a white man; that his mother's name was Koziah Hill who was a half-blood Choctaw Indian; that neither his mother nor himself nor any of his ancestors have ever been recognized by the tribal authorities as a Choctaw Indian, nor been placed on the Choctaw rolls by the tribal authorities nor enrolled by the Dawes Commission. That he applied to the Dawes Commission on August 24, or 25, 1899 at Caddo; that he claims to be a descendant of a Mississippi Choctaw under the 14th article of the treaty of 1830; that he never received nor claimed any land as a beneficiary under the provisions

of said article, neither did his ancestors.

There is filed in support of the claim the affidavit of D. B. White marked "Exhibit A", and made a part of the record. D.B. White states in his affidavit that he is 45 years old, is personally acquainted with F. A. Hill, has known him for the past 30 years; that he knows he is the son of Daniel H. Hill and Keziah Hill; that he is from the State of Mississippi and that his mother was a half-blood Choctaw in the State of Mississippi; that the said F. A. Hill is the issue of Daniel and Keziah Hill, and that he is a one-quarter Mississippi Choctaw Indian by blood.

The Commission to the Five Civilized Tribes state that after carefully considering the testimony of the applicant given before them they are unable to identify him as a Mississippi Choctaw, and refused to enroll him as such under article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830.

The office is of the opinion that the testimony introduced in support of this claim is not sufficient to identify the claimants as Mississippi Choctaws entitled to enrollment as citizens of the Choctaw Nation, and, therefore, respectfully recommends that the judgment of the Dawes Commission be approved and proper notice thereof given to the applicants.

Very respectfully,
Your obedient servant,

W. A. JONES,

Commissioner.

A.B. (E.)

-Copy-

L.R.S.

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JP

DEPARTMENT OF THE INTERIOR,
Washington.

C. v

I.T.D.
506-1902.
File 896-1898.

January 27, 1902.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On January 24, 1902, the Commissioner of Indian Affairs transmitted the record in the matter of the application of Francis A. Hill for the enrollment of himself and his child as Mississippi Choctaws, and recommended that your decision rejecting the application be concurred in.

It appears that none of the claimants has been enrolled or admitted to citizenship in the Choctaw Nation.

Hill states that neither he nor any of his ancestors ever took advantage of the fourteenth article of the treaty of 1830.

Referring to section 21 of the act of June 28, 1898, (30 Stat., 495), and the act of May 31, 1900, (31 Stat., 221), you found that the evidence in this case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830.

The Department concurs in your conclusions and your de-

cision is affirmed.

A copy of the Commissioner's letter, is inclosed.

Chester Howe, Attorney at Law, 623 F Street, N. W.,
Washington, D. C., enters his appearance in this case.

Respectfully,

THOS. RYAN,

Acting Secretary.

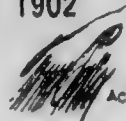
FMD

1 inclosure.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 4 1902



ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 5, 1902.

Francis A. Hill,

Kemp, Indian Territory.

{ Mississippi Choctaw
No. R 269.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of your application for the identification of yourself and minor child, Daniel H. Hill as Mississippi Choctaws, together with the decision of the Commission of August 3, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in this case, refusing your application for identification of yourself and your minor child as Mississippi Choctaws.

Yours truly,

(SIGNED)

Tame Dixon

Acting Chairman,

COPY.

Muskogee, Indian Territory, February 5, 1902.

Chester Howe,

623 F. Street N.W.,

Washington, D.C.

Dear Sir:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of Francis A. Hill for the identification of himself and his minor child, Daniel H. Hill as Mississippi Choctaws, together with the decision of the Commission of August 3, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in this case, refusing the application for the identification of Francis A. Hill and his minor child as Mississippi Choctaws.

Yours truly,

SIGNED:

James D. Dineen

Acting Chairman.

M C R 63

COPY.

Muskogee, Indian Territory, February 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of Francis A. Hill for the identification of himself and his minor child, Daniel H. Hill, as Mississippi Choctaws, together with the decision of the Commission of August 3, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in this case, refusing the application for identification of Francis A. Hill and his minor child as Mississippi Choctaws.

Yours truly,

(SIGNED)

James D. Doby

Acting Chairman.

REFUSED.

MEMORANDA.

JUN 18 1900

JUN 18 1900

Name Francis A Hill (57) Kent, J. J. (Date)

Choctaw? Miss County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes (1/4) Mother's citizenship

CHOCTAW (1/2)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Lucy J Hill (no)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

14. Daniel H.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(Father) Daniel Hill
(Mother) Kesiah Hill

Francis A. Hill, et al.

vs.

Choctaw Nation.

MISSISSIPPI CHOCTAW. Case No. 269.

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

4038-1901, F. A. Hill, ~~Kemp~~,
I.T.

Francis A. Hill, MCR 269

On June 18, 1900, Francis A. Hill of Kemp, I.T. appeared before the Commission at Colbert, and applied for identification for himself and minor child as Mississippi Choctaws. On August 3, 1900, judgment was rendered in his case and copy mailed applicant. On December 3, 1900, all the original papers in his case were forwarded to the Secretary of the Interior and it is impossible to furnish the list of affidavits and documentary evidence asked for by him.

Atoka, March 20, 1901.

AB

Choctaw MCR 270

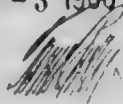
Ollie Ogden

MCR 270

CHICKASAW
Ollie Ogden et al.
REFUSED.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

AUG - 3 1900



ACTING CHAIRMAN.

RECORD FORWARDED DEPARTMENT.

DEC - 3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 27 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

FEB - 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB - 5 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 18, 1902.

In the matter of the application of Willie Ogden et al for identification as Mississippi Choctaws; being sworn and examined by Arthur C. Atwater. Testifies as follows:

- Q What is your name? A Willie Ogden.
Q How old are you? A Twenty-four.
Q What is your post-office address? A Kempt, I. T.
Q How long have you lived in the Indian Territory?
A I have lived in the Indian Territory off and on all the time; I was born here.
Q Never lived in Mississippi? A No sir.
Q What is your father's name? A W. A. Hill.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A Yes sir. He is a Mississippi Choctaw.
Q How much Indian blood does he claim to have in his veins?
A One-fourth.
Q Has his name ever been on the Indian rolls? A No sir, I know of.
Q What is your mother's name? A My mother's name was Mattie C. Hill.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q What proportion of Choctaw Indian blood do you think you have in your veins? A One-eighth.
Q Has your name ever been on the Choctaw Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No sir. My father was before the Dawes Commission last year, and he put my name in his application.
Q Did you apply to the Dawes Commission in 1896, four years ago?
A No sir.
Q Did anybody else apply for you? A No sir.
Q Is this your first personal application? A Yes sir.
Q Under which treaty do you claim as a Mississippi Choctaw?
A I claim under the Treaty of 1830 and all other treaties pertaining to the Mississippi Choctaws to the present time.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir, not that I know any thing about.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir.
Q What are the names of your children, and their ages? A Harry Raymond Ogden, is five years old; Willie Lloyd Ogden, is four years old; Chester Hill Ogden, one year and nine months old.
Q These children all live at home with you? A Yes sir.
Q What is the name of the father of these children? A Willie Ogden.
Q Did you marry him under Choctaw law? A No sir.
Q Where did you marry him? A In Wichita County, Texas.
Q Do you wish to file your marriage license and certificate?
A No sir, I haven't got them.
Q Is there anything else in regard to your case that you would like to state at this time? A No sir.

Ollie Ogden et al #2

Q Have you got papers that you want to file? A Yes sir, I have papers, but Mr. Goodwin has got them, and he isn't here; he promised to be back to-day.

The decision of the Commission will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

M.D.Green

Subscribed and sworn to before me this 24 day of June 1900.


Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 18, 1900.

Further proceedings in the case of Ollie Ogden, applicant for identification as a Mississippi Choctaw; applicant appears and introduces in evidence the following papers:

Affidavit of Ollie Ogden, D. B. White, J. M. Bowers and F. A. Hill, offered in evidence, marked Exhibit "A" and made a part of the record.

--

MEMORANDA.

JUN 18 1900

JUN 18 1900

Name Ollie Ogdow (24) (Date) Kemp, J. J.
 Choctaw? Miss County Year No.
 Chickasaw? County Year Page
 Citizen by blood? Yes (1/8) Mother's citizenship (U.S.)
 Intermarried citizen?

Married under what law?

License filed this day.

Wife's name,

(Husband) Willie Ogdow (no)
 Choctaw? County Year No.
 Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

5. Harry B. (m)	County	Year	Page	No.
4. Millie L. (m)	County	Year	Page	No.
(m) Chester H.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

F. A. Hill. (father) (1/4)
Mattie G. Hill. (mother) Lead

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ollie Ogden for identification of herself and on behalf of her three minor children as Mississippi Choctaws.

The applicant, Ollie Ogden, appeared before the Commission at Colbert, Indian Territory, June 16th, 1900 and from her oral testimony given at that time in her own behalf and on behalf of her three minor children for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article four of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement with in the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for a examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Gille Ogden, on her own behalf and on behalf of her three minor children, Harry R., Willie L., and Chester H., is hereby refused.

BY THE COMMISSION,


Acting Chairman

Muskogee, Indian Territory, August 3, 1900

COPY.

Muskogee, Indian Territory, August 3, 1900.

Ollie Ogden,

Kemp, Indian Territory,

Dear Madam:

There is inclosed you herewith a copy of the decision rendered by the Commission denying the application for identification as Mississippi Choctaws of yourself and your minor children. A copy of the testimony given by you at Colbert is also attached to the judgment.

Yours truly,

(SIGNED).

Tamie Binby.

Acting Chairman.

19-3

Ollie Ogden, et al.

vs.

Choctaw Nation.

MISSISSIPPI CHOCTAW, Case No. R. 270.

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

-Copy-

Refer in reply to the following:
Land
61036-1900.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I transmit, herewith, for the consideration of the Department including the judgment of the Commission to the Five Civilized Tribes in the matter of the application of Ollie Ogden, and others for identification as Mississippi Choctaws No. 270.

The testimony given by the applicant before the Commission at Colbert, Indian Territory, June 18, 1900, shows that she was a resident of Kemp, Indian Territory; age 24; that her father's name was F. A. Hill who was a Choctaw Indian one-quarter blood; that his name was never on the Indian roll so far as she knew; that her mother was a white woman; that the applicant herself has never been enrolled or recognized by the tribal authorities as a Choctaw Indian; that she never applied to the Choctaw tribal authorities for enrollment, but that her father was before the Dawes Commission last year, and put her name in his application; that she claims under the treaty of 1830 and all other treaties pertaining to the Mississippi Choctaws to the present time; that she never took advantage of the provisions of the 14th article of the Treaty of 1830, neither did her

ancestors; that she never received any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830, neither did her ancestors; that the names of her children are Harry Raymond, Willie Lloyd and Chester Hill Ogden; that her husband is a white man; that they were married in Wichita County, Texas.

There is filed in support of this claim the affidavits of Ollie Ogden, D. B. White, J. M. Bowers and F. A. Hill marked "Exhibit A", and made a part of the records. The affiants all state that they are acquainted with Ollie Ogden; that she is the daughter of F. A. Hill and his wife Mattie G. Hill; that F. A. Hill is a Mississippi Choctaw Indian of the one-quarter blood who resided in the state of Mississippi, but none of them state anything that connects the applicant with the Choctaws who took advantage of the 14th article of the Treaty of 1830.

The Commission refused the application for identification of the claimant and her children on the ground that the evidence submitted to them was not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under the 14th article of the Treaty between the United States and the Choctaw Nation concluded September 27, 1900.

The office after carefully considering the testimony and the papers submitted in this case recommends that the judgment of the Dawes Commission refusing to identify Ollie Ogden and her minor

children, Harry Raymond, Willie Lloyd and Chester Hill Ogden as Mississippi Choctaws be approved, and proper notice of such action given the claimants.

Very respectfully,
Your obedient servant,

W. A. JONES,

Commissioner.

A.B. (E.)

-Copy-

6304

JP

DEPARTMENT OF THE INTERIOR,
Washington,

C.

I. T. D.
504-1902.
File 896-1898.

January 27, 1902.

L.R.S.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On January 24, 1902, the Commissioner of Indian Affairs transmitted the record in the case of Ollie Ogden for the enrollment of herself and her three minor children as Mississippi Choctaws, and recommended that your decision rejecting the application be concurred in.

It appears that none of the claimants has been enrolled or admitted to citizenship in the Choctaw Nation.

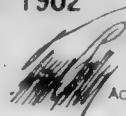
Ogden states that neither she nor any of her ancestors ever took advantage of the fourteenth article of the treaty of 1830.

Referring to section 21 of the act of June 28, 1898, (30 Stat., 495), and the act of May 31, 1900, (31 Stat., 221), you find that the evidence in this case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 4 1902



ACTING CHAIRMAN.

The Department concurs in your conclusion, and your decision is affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,
Acting Secretary.
FMD

1 inclosure.

COPY.

Muskogee, Indian Territory, February 5, 1902.

Ollie Ogden,

Kemp, Indian Territory

{ Mississippi Choctaw
{ No. R 370

Dear Madam:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of your application for the identification of yourself and your three minor children, Harry Raymond Ogden, Willie Lloyd Ogden and Chester Hill Ogden as Mississippi Choctaws, together with the decision of the Commission of August 3, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in this case, refusing your application for identification of yourself and your minor children as Mississippi Choctaws.

Yours truly,

(SIGNED). *Tamie Dixey.*
Acting Chairman,

COPY.

Muskogee, Indian Territory, February 5, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review the record in the matter of the application of Ollie Ogden for the identification of herself and her three minor children, Harry Raymond Ogden, Willie Lloyd Ogden and Chester Hill Ogden as Mississippi Choctaws, together with the decision of the Commission of August 3, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in this case, refusing the application for identification of Ollie Ogden and her minor children as Mississippi Choctaws.

Yours truly,

(SIGNED).

Tamie Diney

Acting Chairman.

MCR 270

M. C. R. # 270.

Evidence:

"Harry Raymond"
"Willie Lloyd"
"Chester Hill"

Judgment:

"Harry R."
"Willie L."
"Chester H."

R. MANGELSDORF,

Choctaw MCR 271

Isaac E. Donaho

MCR 271

See MCR 273, 275, 2232, 2233, 2234, 2235,
570, 571, 614, 841, 986, 4468, 4608,
573, 4609, 4610, 4611, 5147, 5148,
5149, 5150, 5151, 6197

Isaac. E. Donaho. et al.

RED.

REF.

273-275-2237-2233-2234

2235-570-571-614-841-986-4468-4608-573.

4609-4610-4611-5147-5148-5149-5150-5151.

6197-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Isaac E. Donaho, for himself and on behalf of his minor children, for identification as Mississippi Choctaws, and Isaac E. Donaho, being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q. What is your name? A Isaac E. Donaho.
- Q. You apply for the identification of yourself and minor children as Mississippi Choctaws? A As descendants of Mississippi Choctaws.
- Q. How old are you? A Forty-three. (43)
- Q. Where do you live? A Duncan.
- Q. Chickasaw Nation? A Yes sir.
- Q. Is Duncan your Post-office address? A Yes sir.
- Q. How long have you lived at Duncan? A Since January, 1900.
- Q. Where did you live prior to moving to Duncan? A Doyle, I. T., in the Chickasaw Nation.
- Q. How long did you live at Doyle? A In that vicinity ever since 93.
- Q. Did you ever live in the Choctaw Nation? A No sir, not permanently; I was at one time in the Choctaw Nation about 7 or 8 months.
- Q. How long have you been in the Choctaw and Chickasaw Nations together? A. I lived in the Choctaw and Chickasaw Nations together something over a year.
- Q. How long have you been living in the Choctaw and Chickasaw Nations the last time? A Ever since 1893.
- Q. Where did you live immediately prior to coming here? A In Cheyenne county, Oklahoma.
- Q. How long did you live there? A About a year.
- Q. Where did you live prior to moving to Cheyenne county, Oklahoma? A Texas.
- Q. How long did you live in Texas prior to moving to Cheyenne County, Oklahoma? A With the exception of the year that I lived in this country and in Oklahoma, I have lived there the remainder of my life, except two years I lived in California.
- Q. Were you born in Texas? A Yes sir.
- Q. In what years did you live in California? A I think 87 and 88, I am not positive.
- Q. You spoke of living in the Indian Territory in '76; how long did you live in the Choctaw and Chickasaw Nations that time? A About a year.
- Q. Is that the only time you lived in the Choctaw and Chickasaw Nations until you last moved here in 1893? A Yes sir.
- Q. What is the name of your father? A Daniel Winston Donaho.
- Q. Is he living? A No sir.
- Q. When did he die? A About the year 1870.
- Q. Did he ever live in the Indian Territory? A Yes sir.
- Q. When? A He came from Mississippi to the Indian Territory about 1836, and then moved to Liberty County, Texas.
- Q. Did he die in Liberty County, Texas? A No sir, he dies in Navarro county, Texas.
- Q. You never lived in Mississippi, you said? A. No sir.
- Q. Did your father claim any Indian blood? A Yes sir.
- Q. What? A My father was a half blood.
- Q. What kind of Indian? A Choctaw.
- Q. Did the name of your father ever appear upon any of the tribal rolls of the Choctaw Nation? A I do not know.
- Q. What is the name of your mother? A Lucinda Donaho., her present name is Morgan.
- Q. Is she living? A I am not positive; have not heard from her in nine (9) years.
- Q. Is she a white woman? A She claims Choctaw blood; I do not know what proportion.
- Q. Did she ever live in Mississippi? A No sir, but her ancestors

did.

Q Do you base your claim through ~~the~~ blood through your mother or your father? A Through my father; I do not know what proportion my mother had.

Q Do you know whether your mother's name ever appeared on the Choctaw Tribal rolls? A I do not know.

Q Does she live in the Indian Territory? A I do not know where she lives.

Q Did she ever live in the Indian Territory to your knowledge?

A No sir, not to my knowledge.

Q What proportion of Choctaw Indian blood do you claim?

A One fourth.

Q Does your name appear upon any of the tribal rolls of the Choctaw Nation? A No sir.

Q Did you ever make application for yourself and for any of your children to the tribal authorities of the Choctaw Nation for citizenship in that Nation? A I have not.

Q Did you apply for your self and for any of your children in the year 1896 to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission for citizenship in the Choctaw Nation?

A No sir.

Q Neither you nor your children have then ever been recognized by the tribal authorities of the Choctaw Nation as citizens of that Nation? A No sir.

Q What is the name of your wife? A Margaret A. Donaho.

Q Have you ever been married more than once? A No sir.

Q Is she (your wife) a white woman? A Yes sir.

Q Is she living? A Yes sir.

Q Q Lives with you? A Yes sir.

Q What are the names of your children now living with you, under twenty-one years of age and unmarried? for whom you make application at this time?

A James Owen Donaho, age 17, Lucinda C. Donaho, age 13, Jerry S. Donaho, age 6 and Evin J. Donaho, age 4.

Q Has the claim of these children for whom you make application the same foundation as your own? A Yes sir.

Q Are they all living with you at the present time? A Yes sir.

Q Have they always lived with you? A Yes sir.

Q Under ~~what~~ what treaty do you claim as a Mississippi Choctaw?

A Not being conversant with the treaties, I am unable to say.

Q You do not base your claim upon any particular article of any particular treaty between the government of the United States and Choctaw Nation of Indians, do you? A No sir, I can not say I do, not being conversant with them.

Q Do you base your claim upon the fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know that I do.

Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know.

Q Did you ever receive and land as beneficiary under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the fourteenth article of Dancing Rabbit Creek. A I can not say.

Q Do you think it probable that you would have heard of it, had they ever received such lands? A I do not know whether I would or not; my people are very illiterate; I never have heard of it if they have.

Q Where were you married to your present wife? A In Texas.

Q What point? A Hill County.

Q When? A In 1874.

Q Do you desire to offer in evidence at this time your marriage license and certificate? A No sir, I do not.

Q Any papers, which may be filed by you later, in connection with the application of yourself and children for identification as Mississippi Choctaws, will not be considered by this Commission in connection with this case, but will be forwarded together with the testimony and other papers in your application to the honorable Secretary of the Interior for his consideration, when the rolls of Choctaw citizens are forwarded him for approval.

Q Did you ever appear before this Commission as an applicant for enrollment? A Yes sir.

Q When and where? A At Durant, last August.

Q Your application was refused at that time by the Commission?

A They refused to hear any testimony.

Q They took your testimony there at that time? A Yes sir, that was all.

Q Were you not told at that time that your enrollment was refused?

A Yes sir.

Q At that time, Mr. Donaho, you did not apply as a Mississippi Choctaw, did you? A I do not reckon I did.

Q At the time you appeared before the Commission at Durant, had you ever heard anything about of Mississippi Choctaw?

A Yes sir, My ancestors said they were Mississippi Choctaws; I did not know the difference.

Q Is there any additional statement in regard to your case you desire to make at this time? A Yes sir, I would like to state that one of my boys is included in my written application, and he is now deceased; his name is August; he died in April, last; I also have a son, who is of age, now in the United States army in the Philippines, for whom I desire to make application.

A Ordinarily, the Commission does not hear or consider any applications made by a parent for a child who is over age, but under the circumstances in this case, the Commission will permit you to make a separate application for your son, whom you state is in the United States army in the Philippines.

Q Have you any papers you desire to file with the Commission at this time? A Yes sir.

Affidavit of I. E. Donaho, for himself and on behalf of his minor children; the affidavit of Isaac E. Parks; affidavit of I. E. Donaho and William Donaho; the affidavit of I. G. Young, affidavit of K. S. Parks; affidavit of Blackstone B. Donaho offered in evidence, identified as exhibits A, B, C, D, E, F, G, H, & I, respectively, filed and made a part of the record in this case.

Q Upon reading the affidavits which you have submitted, it develops that reference is made to the judgment in a case entitled I. E. & K. C. Parks versus the Choctaw Nation, which was pending in the United States Court at Ardmore; do you make any claim under the judgment in this case?

A Under the judgment in this case; the judgment in this case as I understand it does not apply to me personally; I can not claim under that judgment unless my name appears in it; my name does not appear there.

1896 Citizenship Docket "C", Page 292, Choctaw Case No. 552, J. E. & K. C. Parks et al versus the Choctaw Nation: Original application filed September 5th, 1896; answer of the Choctaw Nation filed; application denied by the Commission. December 2nd, 1896, appealed to the United States Court for the Southern District of the Indian Territory and decision of the Commission

was reversed, and thirty-five persons were admitted to citizenship in the Choctaw Nation; the names of the applicant, Isaac E. Denahe and his children do not appear among those admitted to citizenship by virtue of this judgment.

A copy of the decision of the Commission with reference to your case will be furnished you in writing, mailed to you at your present Post-office address.

R. R. Cravens, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and complete transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 26th day of June, 1900.

[Signature]
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac E. Donaho for identification of himself and on behalf of his four minor children as Mississippi Choctaws.

The applicant, Isaac E. Donaho, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in his own behalf and on behalf of his four minor children for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the

Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provide, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Isaac E. Donaho, on his own behalf and on behalf of his four minor children, James O., Lucinda O., Jerry O., and Evin J., is hereby refused.

BY THE COMMISSION.

Muskogee, Indian Territory, August 3, 1900.


Acting Chairman

Commission to the Five Civilized Tribes,
Duncan, Indian Territory.

In the enrollment of Isaac E. Donaho as a ghostaw by blood;
being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A Isaac E. Donaho.
- Q How old are you? A Forty-three.
- Q Where have you been living? A 18 or 20 miles north-east
of Duncan, Chickasaw Nation.
- Q How long have you been living there? A Five years con-
tinuously.
- Q Where did you come from to that place? A I went from Texas
to Oklahoma, and came down from there.
- Q How long were you in Oklahoma? A Three years.
- Q How long were you in Texas? A I was in Texas all the form-
er part of my life; I was born and raised there.
- Q You never have been enrolled? A No sir.
- Q Your parents are not on the rolls here in the Territory?
- A No sir; I have relatives that are on the rolls.

Com'r McKennon: You are not on the rolls and we have no
authority to enroll you, therefore your enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.
I hereby certify that the official work as
steno-grapher to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. McNeen

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac E. Donaho for enrollment as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

The applicant, Isaac E. Donaho, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

Therefore, the application of the said Isaac E. Donaho for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901.

W.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Isaac E. Donaho, et al., for identification as Mississippi Choctaws, consolidating the applications of

Isaac E. Donaho, et al.,	M C R 2571
Robert E. Donaho, et al.,	M C R 2573
John E. Donaho,	M C R 2575
Anna Journagan, et al.,	M C R 2532
Martin W. Palmer, et al.,	M C R 2233
Will Palmer,	M C R 2234
James W. Palmer, et al.,	M C R 2235
Florence Valderine Ward, et al.,	M C R 570
George W. Donaho,	M C R 571
Walter Lee Donaho,	M C R 573
Lena J. La Pitt, et al.,	M C R 516
Thomas T. Donaho,	M C R 521
Blackstone E. Donaho, et al.,	M C R 522
T. T. Donaho, et al.,	M C R 4465
William Donaho, et al.,	M C R 4466
Joseph T. Young, et al.,	M C R 4467
Francis Ann Young,	M C R 4468
Paralee L. Searcy, et al.,	M C R 4011
Hollie Martin, et al.,	M C R 5147
Lula Watson, et al.,	M C R 5148
William L. Donaho, et al.,	M C R 5149
Charlie Donaho, et al.,	M C R 5150
Gullie Martin, et al.,	M C R 5211

List of papers forwarded to the Secretary of the Interior, with the record in the above case, together with the page occupies by each in said record.

Original application of Isaac E. Donaho for enrollment as a Choctaw citizen by blood.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 12, 1902.

In the matter of the consolidated case of Isaac E. Donaho et al.
applicants for identification as Mississippi Choctaws, embracing the
cases of

Isaac E. Donaho et al.,	M.C.R. 271
Robert E. Donaho et al.,	M.C.R. 273
John E. Donaho et al.,	M.C.R. 275
Anna Journagan et al.,	M.C.R. 2232
Martin W. Palmer et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer et al.,	M.C.R. 2235
Florence M. Ward et al.,	M.C.R. 570
George W. Donaho	M.C.R. 571
Wlater Lee Donaho	M.C.R. 573
Lena J. Clappitt et al.,	M.C.R. 614
Thomas T. Donaho,	M.C.R. 841
Blackstone B. Donaho et al.,	M.C.R. 986
T. F. Donaho et al.,	M.C.R. 4468
William Donaho et al.,	M.C.R. 4608
Joseph T. Young et al.,	M.C.R. 4609
Frances Ann Young et al.,	M.C.R. 4610
Paralee L. Searcy et al.,	M.C.R. 4611

On motion of attorney, the cases of the several applicants
herein were taken up for consideration by the Commission.
The following proceedings were had:

Appearances:

L.P.Hudson, attorney for all the applicants
herein.

Blackstone B. Donaho and Travis P. Donaho.

Blackstone B. Donaho being sworn testified as follows:

(Commission to attorney:)

Q What do you expect to prove by this witness? A I introduce this
witness for the purpose of showing that the two parties of whom we
had made application to take depositions, one of said parties died
since said application was made and the other has had a stroke of
paralysis and could not testify. The object of this testimony is for
the purpose of showing the good faith of the parties and to show
that the application for permission to take depositions was not
taken for the purpose of delay; and I will further say that we have

no further evidence to give in this case, and ask that the same be closed on the record as now made.

Q From the statement just made, then, it is not the intention of the attorney to introduce evidence in like with the statements set up in the affidavit filed at the time of the continuance was asked for: these two witnesses, whose names were mentioned, Daniel Beshores and William Rankin were to testify that the ancestors of these applicants complied or attempted to comply with the fourteenth article of the treaty of 1830. A I will explain that by these Witnesses; Beshores is dead.

(Commission to witness:)

Q What is your name? A Blackstone B. or B.B. Donaho.

Q How old are you? A I am sixty three; will be my birthday.

Q What is your post office address? A Antioch, Indian Territory; it was Maxwell.

Q How long have you lived in the Indian Territory? A Nine years.

Q Choctaw Nation or Chickasaw Nation? A In the two Nations.

Q Where do you reside now? A In the Chickasaw Nation.

Q Are you the identical Blackstone B. Donaho who made application for identification as a Mississippi Choctaw for yourself and minor children at Colbert, Indian Territory, on June 18, 1900? A Yes sir.

Q At the time you made that application you based your claim upon the fourteenth article of the treaty of 1830, the treaty made between the United States Government and the Choctaw tribe of Indians concluded September 27, 1830? A I think so.

Q You think so? A I am forgetful; I don't know anything about the treaty.

Q You are now and have been all the time claiming as a Mississippi Choctaw? A Yes sir.

Q And under article fourteen of that treaty made between the United States Government and the Choctaw Indians? A I don't know whether I claim under that article or not; I don't know anything about them treaties; that's what I told the Commission when I was before them before.

Q Did you ever read the fourteenth article of the treaty of 1830?

A I can't read.

Q Did you ever hear it read? A I don't know.

Q Did you ever hear it explained? A I don't know.

Q Do you understand that article now? A Not perfectly.

Q Do you desire a further explanation of it? A Yes, you can give me more information about it.

This treaty was concluded between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi; at that time the Choctaws occupied a small portion of the State of Alabama along the Western boundary line and a portion of the State of Mississippi. The object of the treaty was to secure the removal of the Choctaw Indians to the new country West of the River which is now the Indian Territory. At the time this treaty was made a great many Choctaws didn't want to come West but wanted to remain in the old Choctaw Nation; that article was made

for their benefit. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama and become a citizen of the States, and he wanted to take lands under this article, that he should go before the Government agent there in Mississippi and signify to him, that is, tell him in some way, that he wanted to remain and take land under the article. After having done this he was entitled as head of a family to one section of 640 acres of land to be bounded by sectional lines of survey; and for each unmarried child over the age of ten years he was entitled to one half section or 320 acres, and for each child under ten living with him he was entitled to one quarter section or 160 acres of land, the reservations of the children to adjoin the location of the parents; and these reservations to include the present improvements owned by the head of the family at the time this treaty was made, September 27, 1830. This article also required that a Choctaw, after having received his land, should reside upon it for a term of five years, after which the Government would give him a title in fee simple enabling him to dispose of them at his pleasure. The last clause is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that a person who remained in the old Choctaw Nation and received his land and resided upon it for five years did not forfeit his right to citizenship in the Indian Territory but lost his right to Choctaw annuities; annuities were moneys paid annually by the Government to the Choctaw Indians under treaty provisions. This treaty was ratified February 24, 1831, and each Choctaw was required to make his appearance before the agent there in Mississippi within six months after that and declare his intention.

Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Lewis Donaho.

Q What relation are you to Lewis Donaho? A He is my grandfather.

Q You get your Choctaw blood through which parent? A Both of them.
Q Your father and your mother? A Yes sir.
Q What is your father's name? A Daniel Donaho.
Q What is your mother's name? A Her maiden name was Chance; her given name was Anna.
Q Is it the same Annie May Chance you gave before? A Yes sir.
Q How much Choctaw blood did Daniel Donaho have? A Half by all I have been told.
Q How much Choctaw blood did Annie May Chance have? A A quarteroon is what they told me; I don't know what that means.
Q Whom did Daniel Donaho derive his Choctaw blood from? A His father Lewis Donaho.
Q Who did Annie May Chance derive her Choctaw blood from? A I have forgotten her father's given name.
Q Were Daniel Donaho and Annie May Chance married in 1830? A Yes sir.
Q Were they recognized members of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi or Alabama at that time? A I don't know.
Q Did Daniel Donaho and Anna May Chance remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory between 1833 to 1838 at the time of the removal of the Choctaw Indians to the new Choctaw Nation, Indian Territory?
A That's what they always told me.
Q What year did they move? A I don't know sir.
Q Where were you born, Mr. Donaho? A In Texas.
Q What year? A In 1837 I reckon.
Q You have testified that you were sixty three years of age; that would make you born about the year 1839. A My be it is.
Q Now, did you have any brothers and sisters older than you?
A Never had no sisters.
Q Had a brother older than you? A Yes sir.
Q How much older was your oldest brother than yourself? A Well, he must have been thirty or thirty five years older than me.
Q Where was he born? A In Mississippi I reckon; they had two children, I have always been told; my oldest brother was Lewis; he got snuck off when he was quite young; William was the one I was raised with; them two was the only children they had when they come from Mississippi.
Q Where was the brother of yours next oldest to you born? A Texas.
Q Is he living? A Yes sir.
Q How old is he? A He is sixty four I think.
Q The brother older than he, where was he born? A In Texas.
Q How many brothers older than you were born outside of the State of Texas? A There were eleven brothers of us and they was all born in Texas but two.
Q How many brothers older than you were born in the State of Texas?
A There was three.
Q How much older than you is the oldest one of your brothers that was born in Texas? A He is thirty or thirty five years older than me.
Q And he was born in Texas? A No sir.
Q Now, I asked you the name of the oldest brother of yours who was born in Texas? A That's Winston Donaho; well, if he was living I reckon he would be about seventy.

Q Then that makes him born in about 1832; that would show that your father and mother were living together in Texas about 1832? A Yes, they come from Mississippi about that time; that's all I know what they tell me.

Q You say now, that's what they told you, that they came from Mississippi in about 1832? A Yes, that's what they told me.

Q One of the ancestors through whom a number of the applicants in this consolidated case claim descent is William Donaho, a son of Lewis Donaho; he is an uncle of yours, is he? A Yes sir.

Q Was William Donaho a married man? A Yes sir.

Q Do you know the name of his wife? A No sir.

Q Do you know when he was married- what year? A No sir I don't.

Q Did he move from Mississippi at the same time your father did?

A That's what I have been told by my family.

Q That the two brothers Daniel and William moved from Mississippi at the same time? A Yes, and their father went back.

Q Where to? A Mississippi and died there.

Q Do you know what year he returned? A No sir, I don't.

Q Was your father, Daniel Donaho or his wife Annie May Chance, ever recognized as members of the Choctaw tribe of Indians in the Choctaw Nation, Indian Territory? A I don't know sir.

Q Did they ever reside in the Choctaw Nation, Indian Territory?

A A short time is what I have been taught.

Q Were they ever recognized members of the Choctaw tribe of Indians in the Choctaw Nation, Indian Territory? A I don't know sir.

Q When and how long did they reside in the Choctaw nation Indian Territory? A I don't know sir; not long, I don't think.

Q Did they move from Mississippi to the Choctaw Nation, Indian Territory? A Yes sir.

Q And then moved to the State of Texas? A Yes, Lieberty County is what I have been told.

Q And the evidence given by you would show that your father and mother were living in the State of Texas in 1832 when one of your brothers was born and would be seventy years old now? A Yes sir.

Q Do you know anything about the residence of William Donaho after his removal from Mississippi to the Choctaw nation, Indian Territory? A No sir.

Q Did Daniel Donaho or his wife Annie May Chance, who, of course, would be Annie May Donaho, within six months from the 24th of February, 1831, go before the United States Indian agent, Col. Ward, and signify to him their intention to stay in Mississippi and take land there under the article-? A I don't know sir.

Q Have you any proof of any kind or do you know of the existence of any deeds or patents to lands that would tend to show that Daniel Donaho or his wife ever took advantage of the provisions of article fourteen-? A No sir.

Q Do you know of their having owned any improvements upon what constituted the old Choctaw nation in Mississippi or Alabama at the time the treaty was made, September 27, 1830? A No sir, I don't know.

Q But it is a matter of family history to you, that your parents moved from the old Choctaw Nation in Mississippi or Alabama with the Choctaw Indians when they emigrated from there to the Choctaw Nation

Indian Territory? A That has been my understanding.

Q That they moved to the Choctaw Nation, Indian Territory, and were living in the State of Texas in 1832? A Yes sir.

Q Do you know where William Donaho died? A No sir.

Q Do you know whether after his removal to the Choctaw Nation, Indian Territory, with the Choctaws, whether he continued to reside in the Choctaw Nation or whether he removed to the State of Texas or some other State? A No sir, I don't know.

Q Was he a married man at the time of his removal from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory? A Well, I am not sure about it; I don't know.

Q Do you know what year your grandfather, Lewis Donaho, returned to the State of Mississippi? A No sir.

Q Where did he live when he started back to Mississippi? A My parents always told me he was living in the Choctaw Nation; I don't know whereabouts.

Q Know what year? A No sir.

Q Have you any idea what year? A No sir.

Q Was it within your recollection? A No sir.

Q Do you know whether your grandfather, Lewis Donaho, within six months from the ratification of this treaty appeared before the Government agent in the Choctaw Nation and signified his intention of remaining in the old Choctaw Nation and taking lands under this article? A I don't know sir.

Q Do you know whether he ever received any land from the United States Government as a Choctaw Indian? A I don't know sir.

In accordance with the provisions of this article fourteen the Government directed their agent there in Mississippi, Col. Ward, to register the names of all the Choctaw Indians who desired to take advantage of this fourteenth article. And the Government records show that he failed to register the names of Choctaws who really did so and on this account, lands on which the Choctaws owned improvements and which they desired reserved were sold by the Government at Public Land Sales. This caused many complaints among the Indians and these complaints finally reached Congress, and Congress appointed a Commission to go into Mississippi and investigate these claims. A large number of these claims were investigated, some of them were allowed some rejected; of the claims allowed, if the lands which the Indians claimed had not been sold, they were given to them; if however, the lands had been sold to which the Choctaws established claims, they were given scrip in lieu of the lands which had been sold and under this scrip the Choctaws could locate on vacant Government land in either Mississippi, Louisiana, Arkansas or Alabama. One of these Commissions was appointed in 1837 and the second one in 1842.

Q Now, do you know whether Lewis Donaho appeared before either of these Commissions and attempted to establish any claims to land under this fourteenth article? A I don't know sir.

- Q Do you know whether he received any scrip from the United States for lands that he claimed had been sold? A No sir.
- Q Do you know whether he ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A No sir, I don't know.
- Q As far as you know was he ever a recognized member of the Choctaw tribe of Indians? A I don't know sir.
- Q As far as you know did any of your Choctaw ancestors ever receive any lands from the United States Government as Choctaw Indians?
- A Not as I know
- Q Then you know of the existence of no deeds or patents to land which would tend to show that they did receive land? A No sir.
- Q Give me the names of your children, Mr. Donaho, commencing with the oldest? A Robert E.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A Mary.
- Q Is she a white woman? A Yes sir.
- Q Have they any children? A They have two children living.
- Q What is the name of the oldest one? A Willie and the other is a right young one- I am not sure--
- Q Born since he made this application? A Yes sir. About six months old I reckon.
- Q Male or female? A Male; both of them.
- Q He has only two children? A Yes, two living; one that he made application for is dead. William Rufus is dead.
- Q What is the name of the other child born since he made application?
- A Willie is the name of the next one-- Robert Willie is what he calls it; and the infant I have forgotten its name, it's right new born.
- Q What is the name of your next child? A George W.
- Q Is he married? A Yes sir.
- Q Married since he made application? A Yes sir.
- Q What is the name of his wife? A Mandy.
- Q Have they any children? A One.
- Q What is the name? A Wiley.
- Q Your next child now? A Walter Lee.
- Q Is Walter Lee married? A Yes sir.
- Q What is the name of his wife? A Rachel.
- Q Have they any children? A Yes sir.
- Q What is the name of- A Barney they call it; it's a girl.
- Q How old? A About six or seven months old.
- Q Now the next child of yours is Florence Ward? A Yes sir.
- Q How many children has she? A Two.
- Q What is the name of the oldest one? A Annie May.
- Q What is the name of the next one? A I have forgotten.
- Q That is an infant born since the application? A Yes, about six months old.
- Q Girl or boy? A Noy.
- Q What is the name of the next child after Florence Ward? A Ada.
- Q Is she married? A She is now.
- Q What is her husband's name? A Philip Marcum.
- Q Does he claim any Choctaw blood? A No sir, I don't think he does.
- Q What is the name of the next child after Ada? A Anny. (Spells it)
- Q Is she married? A No sir.
- Q Is Daniel Winson Donaho a brother of yours? A Yes sir.
- Q Is he living? A No sir.
- Q Do you know the names of his children who have been before this

Commission? A Of some of them I do.

Q Do you want to make any further statement, Mr. Donaho, in connection with your case? A No sir.

Q

The applicant has hair almost entirely white- at one time black; fair complexion, brown eyes, the features and appearance of a person of white parentage; testifies that his father and mother were married and head of a family in Mississippi and Alabama in 1830 and moved from the old Choctaw Nation there to the new Choctaw Nation Indian Territory at the time of the emigration of the Choctaws, and that his father and mother resided in the State of Texas about in the year 1832.

Q Do you speak or understand the Choctaw language? A No sir.

By the Commission: In the matter of the application of William Donaho et al. for enrollment as citizens of the Choctaw Nation, Choctaw R. 635; in the matter of the application of Joseph T. Young et al. as citizens of the Choctaw Nation, Choctaw R. 637; in the matter of the application of Frances Ann Young for enrollment as a citizen of the Choctaw Nation, Choctaw R. 360.-

(To attorney):

Q Is it your intention to have the record in this case transferred and to be considered as claimants with the other as in the case of Isaac E. Donaho et al? A Yes, and I ask that the same be done.

Q I believe there were some applicants applied yesterday and today- A Yes sir.

Q It is then the intention of the attorney to have these cases consolidated and considered with this? A Yes, and it has been asked each case.

Reference is made to cases

Charles Donaho et al.,	M.C.R. 5150
William L. Donaho et al.,	M.C.R. 5149
Sallie Martin et al.,	M.C.R. 5151
Mollie Martin et al.,	M.C.R. 5147
Lula Watson et al.,	M.C.R. 5148

Q Have you any further testimony to offer?

Here attorney for applicants offers in evidence marriage certificate of Robert E. Donaho to Miss Mary Britt, and asked that the same be marked Exhibit "X" and made a part of the record in this case. Also certificate of B.B. Donaho to Mahala Goodwin, and asks that the same be marked Exhibit "X" and made a part of the case of B.B. Donaho.

By L.P.Hudson, att'y for applicants:

Q Mr. Donaho, you gave your name as Blackstone B. Donaho? A Yes sir.
Q You are the party that was married to Mahla- Mahala Goodwin under this marriage certificate? A Yes sir.

Here attorney for applicants offers in evidence marriage certificate of G.W.Donaho to Miss Mandy Lewellen and asks that the same be marked Exhibit "Y" and made a part of the application of George W. Donaho.

Q Now, Mr. Donaho, is the G.W.Donaho mentioned in this certificate the same party who made application here for identification as a Mississippi Choctaw? A Yes sir.

Here attorney for applicant offers in evidence certified copy of the marriage certificate of W.M.Donaho to Miss Ella Robins and asks that the same be marked Exhibit "Z" and made a part of the application of William Donaho.

Q Mr.Donaho are you acquainted with William Donaho, this man present here? (Pointing to him) A Yes sir.

Q Is he the same William Donaho whose name is here called W.M. Donaho and who married Miss Ella Robins? A Yes sir.
That's all.

(Witness excused and William Donaho called as a witness.)

William Donaho being sworn testified as follows:

Examination by the Commission:

Q What is your name? A William Donaho.
Q How old are you? A I will be forty in June.
Q What is your post office address? A Paula Valley now; was Antioch
Q Are you married? A Yes sir.
Q What is the name of your wife? A Ella Donaho.
Q Give me the names and ages of your children, Mr. Donaho. A The oldest one is Clayton; he is ten.
Q Is that Arthur Clayton? A Yes sir.
Q The next one? A Lizzie Bell.
Q And the next one? A Willie Lee is the third child, and the baby is Robert Walter- no his name is Walter Robert.
Q Is that all? A Yes sir.
Q Are you the identical William Donaho who appeared before this Commission June 18, 1900 and made application for yourself and four minor children for enrollment as a Choctaw citizen? A Yes sir.
Q This is the application which your attorney asks to be transferred as a Mississippi Choctaw case, is it? A Yes sir.

This applicant has black hair, mixed with gray, grayish brown

eyes, fair complexion- the features and appearance of a person of white parentage;

Q Do you speak or understand the Choctaw language? A No sir.

Q What is the name of your father, Mr. Donaho? A Daniel Winston Donaho.

Q What is the name of your mother? A Lucinda McGee was her maiden name.

Q Through which one of your parents do you claim your Choctaw blood? A My father.

Q Through which parent did he get his Choctaw blood? A Through both. Their names were Daniel Donaho and Annie May Chance.

(Witness excused and Blackstone B. Donaho being recalled testified as follows:

Examination by L.P.Hudson, att'y for applicants:

Q Mr. Donaho, you was one of the parties that was here on the 10, of March and made application for depositions, or rather the application was made before you came here-? A Yes sir.

Q What was the name of the parties you asked to take the deposition of? A It was Beshores and Lucinda-- Morgan.

Q Did you take those depositions? A No sir.

Q Why didn't you take the deposition of this man, Beshores? A He is dead.

Q Before you returned he was dead? A Yes sir.

Q Also give me the reason why Lucinda Morgan couldn't-- A She was stricken with paralysis.

Q How recently? A Just a few days after the application for depositions was made and couldn't be served.

Q And that is the reason why these depositions could not be taken?

A Yes sir.

Q That's all.

Witness excused.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony and on April 12, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16th April, 1902.

Garrett Chasewood
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac E. Donaho, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Isaac E. Donaho, et al.,	M. C. R. 371
Robert E. Donaho, et al.,	M. C. R. 373
John H. Donaho,	M. C. R. 375
Anna Journagan, et al.,	M. C. R. 2232
Martin W. Palmer, et al.,	M. C. R. 2233
Will Palmer,	M. C. R. 2234
James W. Palmer, et al.,	M. C. R. 2235
Florence Malderine Ward, et al.,	M. C. R. 570
George W. Donaho,	M. C. R. 571
Walter Lee Donaho,	M. C. R. 573
Lena J. Clappitt, et al.,	M. C. R. 514
Thomas F. Donoho,	M. C. R. 541
Blackstone B. Donaho, et al.,	M. C. R. 986
T. F. Donaho, et al.,	M. C. R. 4468
William Donaho, et al.,	M. C. R. 4606
Joseph T. Young, et al.,	M. C. R. 4609
Frances Ann Young,	M. C. R. 4610
Paralee L. Searey, et al.,	M. C. R. 4611
Mollie Martin, et al.,	M. C. R. 5147
Lula Watson, et al.,	M. C. R. 5148
William L. Donaho, et al.,	M. C. R. 5149
Charlie Donaho, et al.,	M. C. R. 5150
Sallie Martin, et al.,	M. C. R. 5151
Sarah Katherine Peters, et al.,	M. C. R. 6197

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by Isaac E. Donaho for himself and his four minor chil-
dren, James Owen, Lucinda C., Jerry S. and Evin J. Donaho; by

Robert E. Donaho for himself and his minor child, William Rufus Donaho; by Isaac E. Donaho for his son, John E. Donaho, a United States soldier serving in the Philippine Islands; by Anna Journagan for herself and her two minor children, Eddie and Euley Journagan; by Martin W. Palmer for himself and his minor child, Alice Palmer; by Will Palmer for himself; by Martin Palmer for his four minor children, James W., Harvey I., Fay and Mary Palmer; by Florence Malderine Ward for herself and her minor child, Annie May Ward; by George W. Donaho for himself; by Walter Lee Donaho for himself; by Lena J. Clampitt for herself and her minor child, Clare Lilly Clampitt; by Thomas T. Donaho for himself; by Blackstone E. Donaho for himself and his two minor children, Ada and Annie May Donaho; by T. F. Donaho for himself and his minor child, David Donaho; by Mollie Martin for herself and her six minor children, Stella, Joseph, Della, Allen, Ethel and Elmer Martin; by Lula Watson for herself and her four minor children, Sadie, Eddie, Calvin and Hobbie Watson; by William E. Donaho for himself and his four minor children, Mamie, Ollie, Nora and Maggie Donaho; by Charlie Donaho for himself and his three minor children, Mabel, Eddie and Gladys Belle Donaho; by Sallie Martin for herself and her three minor children, Jessie, Travis Wesley and Arthur Martin, and by Sarah Katherine Peters for herself, her four minor children, Syble, Travis D., Charles and Luther Peters, for her two minor nieces, Hannie Ann and Ola Lott, and for her two minor nephews, Homer and Oscar Thomas Lott, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September

twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the record herein that applicants William Donaho for himself and his four minor children, Arthur Clayton, Lizzie B., William Lee and Walter Robert Donaho; Joseph T. Young for himself and his minor child, Henry Young; Frances Ann Young for herself, and Paralee L. Searcy for herself and her minor child, Annie Searcy, applied to the Commission to the Five Civilized Tribes for enrollment as citizens by blood of the Choctaw Nation, and thereafter, to-wit: on April 12, 1902, said applicants for enrollment appeared by attorney and requested that said applications be considered as applications for identification as Mississippi Choctaws and included in the consolidated case of Isaac E. Donaho, et al.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Lewis (or Louis) Donaho, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty; it further appears that all of the applicants embraced in the applications numbered M.C.R. 271, 273, 275, 570, 571, 573, 614, 841, 986, 4468, 4608, 5147, 5148, 5149, 5150, 5151 and 6197, also claim said rights by reason of being descendants of Anna (or Annie) May Donaho (nee Chance), who is alleged to have been a quarter blood Choctaw Indian; and the applicants embraced in applications numbered M.C.R. 271, 275, 614 and 841 also claim said rights by reason of being descendants of Lucinda Donaho (nee McGee) who is alleged to have possessed some Choctaw blood, degree thereof not stated.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It appears from the testimony of the several applicants herein that they rely for identification as Mississippi Choctaws largely upon the fact that certain of their relatives were admitted to Choctaw citizenship by the United States Court for the Southern District, Indian Territory, and thereafter enrolled as such by the Commission to the Five Civilized Tribes. The records of the Commission (Choctaw citizenship docket "C" page 292, case No. 552) show that on September 5, 1896, there was filed with said Commission the case of J. E. and K. C. Parks, et al., versus the Choctaw Nation, which was an application for the admission of the plaintiffs to citizenship in said Nation; that on December 2, 1896, said application was by said Commission denied, and an appeal was taken to the United States Court for the Southern District, Indian Territory, and by a judgment of that court thirty-five persons were admitted to citizenship in the Choctaw Nation. None of the applicants herein was a party in said case, and it does not appear that those who were admitted therein traced their ancestry to a person who had complied with article fourteen of the treaty of "Dancing Rabbit Creek."

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession

of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lewis (or Louis) Donaho, or Anna (or Annie) May Donaho (nee Chance), or Lucinda Donaho (nee McGee), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clara Lilly Clampitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Fizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie

Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tame Bixby.

Acting Chairman

(SIGNED)

I. B. Needles.

Commissioner

(SIGNED)

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

JAN 19 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 10, 1902.

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In the matter of the consolidated cases of Isaac E. Donaho, et al., applicants for identification as Mississippi Choctaws embracing the cases of

Isaac E. Donaho, et al.,	M.C.P.271,
Robert E. Donaho, et al.,	M.C.R.273,
John E. Donaho, et al.,	M.C.R.275,
Anna Journagan, et al.,	M.C.R.2232,
Martin W. Palmer, et al.,	M.C.R.2233, ✓
Will Palmer,	M.C.R.2234, ✓
James W. Palmer, et al.,	M.C.R.2235, ✓
Florence M. Ward, et al.,	M.C.R.570, ✓
George W. Donaho,	M.C.R. 571, ✓
Walter Lee Donaho,	M.C.R.573, ✓
Lena J. Clampitt, et al.,	M.C.R.614, ✓
Thomas T. Donaho,	M.C.R.841, ✓
Blackstone N. Donaho, et al.,	M.C.R.986, ✓
T. F. Donaho, et al.,	M.C.R.4468, ✓
William Donaho, et al.,	M.C.R.4608, ✓
Joseph T. Young, et al.,	M.C.R.4609, ✓
Frances Ann Young, et al.,	M.C.R.4610, ✓
Paralee L. Searcy, et al.,	M.C.R.4611, ✓

In accordance with the letter of the Commissioner of Indian Affairs of July 30, 1901, remanding to this Commission for further hearing the cases of Isaac E. Donaho, et al., and Robert E. Donaho, et al., the cases of these applicants have been consolidated with the cases of John E. Donaho, et al., Anna Journagan, et al., Martin W. Palmer, et al., Will Palmer, James W. Palmer, et al., Florence M. Ward, et al., George W. Donaho, Walter Lee Donaho, Lean J. Clampitt, et al., Thomas T. Donaho, Blackstone B. Donaho, et al., T. F. Donaho, et al., William Donaho, et al., Joseph T. Young, et al., Frances Ann Young, et al., and Paralee L. Searcy et al., claiming descent from the same common ancestor Louis Donaho, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the several applicants herein, their attorneys and the attorneys for the Choctaw and Chickasaw Nations, January 31, 1902.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 10, 1902 at nine o'clock a.m. the cases of the several applicants herein being set for re-hearing this day and date and said cases being called, the following proceedings were had.

Appearances:

L. P. Hudson and Pruiett & Carr, Attorneys for all the applicants herein.

Blackstone B. Donaho, Applicant.

Attorneys for applicants filed, and asked to be made a part of the record, the affidavit of Black B. Donaho, one of the applicants herein, praying for the continuance of the several causes herein for a period of thirty days; said affidavit is filed, marked "Exhibit X" for identification and made a part of the record in this application for continuance.

Motion granted and the several causes herein continued until Wednesday, April 9, 1902, at nine o'clock a.m.

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Clara Mitchell Wood, being first duly sworn, upon her oath states, that as stenographer for the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 10th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this _____ day of March 1902.

[Signature]

Commissioner. *

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 9, 1902.

In the matter of the consolidated case of Isaac E. Donaho, et al., applicants for identification as Mississippi Choctaws, embracing the cases of

Isaac E. Donaho, et al.,	M.C.R. 271,
Robert E. Donaho, et al.,	M.C.R. 273,
John E. Donaho, et al.,	M.C.R. 275,
Anna Journagan, et al.,	M.C.R. 2232,
Martin W. Palmer, et al.,	M.C.R. 2233,
Will Palmer,	M.C.R. 2234,
James W. Palmer, et al.,	M.C.R. 2235,
Florence M. Ward, et al.,	M.C.R. 570,
George W. Donaho,	M.C.R. 571,
Walter Lee Donaho,	M.C.R. 573,
Lena J. Clampitt, et al.,	M.C.R. 614,
Thomas T. Donaho,	M.C.R. 841,
Blackstone B. Donaho, et al.,	M.C.R. 986,
T. F. Donaho, et al.,	M.C.R. 4468,
William Donaho, et al.,	M.C.R. 4608,
Joseph T. Young, et al.,	M.C.R. 4609,
Frances Ann Young, et al.,	M.C.R. 4610,
Paralee L. Searcy, et al.,	M.C.R. 4611.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, Wednesday, April 9, 1902, at nine o'clock A.M. the cases of the several applicants herein being continued to this day and date, and, said cases being called, there was no appearance by any of the applicants herein; their attorneys; nor the attorneys for the Choctaw and Chickasaw Nations.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above entitled cause on April 9, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel, R.S.
Subscribed and sworn to before me this 10th day of April A.D. 1902.

Chara Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 10, 1902.

In the matter of the consolidated case of Isaac E. Donaho et al.
applicant, for identification of Mississippi Choctaws, embracing the
cases of

Isaac E. Donaho et al.,	M.C.R. 271
Robert E. Donaho et al.,	M.C.R. 273
John E. Donaho et al.,	M.C.R. 275
Anna Journagan et al.,	M.C.R. 2232
Martin W. Palmer et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer et al.,	M.C.R. 2235
Florence M. Ward et al.,	M.C.R. 570
George W. Donaho	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clappitt et al.,	M.C.R. 614
Thomas T. Donaho,	M.C.R. 841
Blackstone B. Donaho et al.,	M.C.R. 986
T. F. Donaho et al.,	M.C.R. 4468
William Donaho et al.,	M.C.R. 4608
Joseph T. Young et al.,	M.C.R. 4609
Frances Ann Young et al.,	M.C.R. 4610
Paralee J. Searcy et al.,	M.C.R. 4611

At the Office of the Commission to the Five Civilized Tribes
at Muskogee, Indian Territory, Thursday, April 10, 1902, L.P. Hudson,
attorney for all the applicants herein, appeared on this date and
stated that his clients were under the impresssion that the contin-
uance of thirty days granted in this case on March 10 would make the
date of their appearance April 10, and under this mis-apprehension,
his clients did not appear until this date. Attorney for applicants
also asked that this case be continued from day to day for the
reason that five sons and daughters of one of the applicants in
this case desired to make application for identification, which
cases it is desired to consolidate with other cases herein.

Henry G. Hains being sworn on his oath states that as stenographer to
the Commission to the Five Civilized Tribes he reported in full the
above proceedings on April 10, 1902, and that this is a full, true
and correct transcript of his stenographic note in same.

Subscribed and sworn to before me this 17th April, 1902.

Harriet M. Wood
Notary Public.

REFER TO M. C. R. 271

Isaac E. Arnabo
et al.,

Consolidated Case

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Isaac E. Donaho et al., for identification as Mississippi Choctaws, consolidating the applications of

Isaac E. Donaho et al.,	M.C.R.	271
Robert E. Donaho et al.,	"	273
John E. Donaho,	"	275
Florence M. Ward et al.,	"	570
George W. Donaho,	"	571
Walter Lee Donaho,	"	573
Lena J. Claspitt et al.,	"	614
Thomas T. Donaho,	"	841
Blackstone B. Donaho,	"	986
Anna Journagan et al.,	"	2232
Martin W. Palmer et al.,	"	2233
Will Palmer,	"	2234
James W. Palmer et al.,	"	2235
T. F. Donaho et al.,	"	4468
Paralee L. Searcy et al.,	"	4611
Frances Ann Young,	"	4610
Joseph T. Young et al.,	"	4609
William Donaho et al.,	"	4608.

All of the applicants herein claim Mississippi Choctaw Indian descent from Lewis Donaho, an alleged Mississippi Choctaw Indian, who was the father of Daniel Donaho and William Donaho who, it is alleged, were possessed of three quarters Choctaw Indian blood. Daniel Donaho married Anna May Chance, an alleged one quarter blood Choctaw. William Donaho married Jane Atkinson, a white woman.

The following descendants of the common ancestor, Lewis Donaho, appear of record as applicants for identification as Mississippi Choctaws:

Children, grandchildren, great-grandchildren and great-great-grandchildren of Daniel Donaho:

Blackstone B. Donaho, his children and grandchildren.	(Robert E. Donaho
	and his child
	(William Rufus Donaho
	(George W. Donaho
	(Walter Lee Donaho

(2)

Blackstone B. Donaho, his children and grandchildren (continued).
(Florence Malderine Ward, nee Donaho
(and her child
(Annie May Ward
(Ada Donaho
(Amy May Donaho

Children, grandchildren and great-grandchildren of
Daniel Winston Donaho, deceased:

Isaac E. Donaho, his children and grandchild.
(John E. Donaho
(Thomas T. Donaho
(Lena J. Clampitt, nee Donaho,
(and her child
(Clare Lilly Clampitt
(Owen J. Donaho
(Lucinda C. Donaho
(Augustus Donaho
(Jerry L. Donaho
(Evan J. Donaho

William Donaho
and his children
(Arthur Clayton Donaho
(Lizzie B. Donaho
(William Lee Donaho
(Walter Robert Donaho

T. F. Donaho and his child
(David Donaho

Child, grandchildren, great-grandchildren and great-
great-grandchildren of William Donaho:

Frances A. Young, nee Donaho,
her children and grandchildren.
(Joseph T. Young
(and his child
(Henry Young
(Paralee L. Searcy, nee Young,
(and her child
(Anna Searcy.

(3)

Grandchildren and great-grandchildren of Nancy White,
nee Donaho.

	(Anna Journagan, nee Palmer,
	(and her children
	(Eddie Journagan
	(Huley Journagan
	(
	(Martin W. Palmer
	(and his child
	(Alice Palmer
	(
	(Will Palmer
	(James W. Palmer
	(Harvey I. Palmer
	(Fay Palmer
	(Mary Palmer
Children and grandchildren of	
Matilda Palmer, nee White, de-	
ceased.	

The record shows that Isaac E. Donaho, the principal applicant herein, appeared before this Commission at Durant, Indian Territory, during the month of August, 1899, and made personal application for enrollment as a citizen by blood of the Choctaw Nation, and that said application was refused. The record then made is now made a part of the record in his application for the identification of himself and his minor children as Mississippi Choctaws.

The record further shows that the applicants in the following cases:

M.C.R.4608--Choctaw R 635, William Donaho et al.,
" 4609--Choctaw R 637, Joseph T. Young et al.,
" 4611--Choctaw R 636, Paralee L. Searcy et al.,

appeared before this Commission at Colbert, Indian Territory, on June 18, 1900, and made personal application to this Commission for enrollment as citizens by blood of the Choctaw Nation, and that no decision in these cases has been rendered. The applicants in these cases claim descent from the same common ancestor as in the consolidated case of Isaac E. Donaho et al. The records made at said hearing at said time are now combined with said consolidated case of Isaac E. Donaho et al., to be considered as Mississippi Choctaw cases.

The record further shows that in the case M.C.R.4610--Choctaw R 350, Frances Ann Young appeared before this Commission at Durant, Indian Territory, during the month of August, 1899, and made personal application for enrollment as a citizen by blood of the Choctaw Nation, and that said application was refused.

Subsequent thereto, and at Colbert, Indian Territory, on June 18, 1900, she appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. No decision has been rendered in this latter application.

The applicant in this case also claims descent from the

(4)

same common ancestor as in the consolidated case herein. The records made at said hearings on said dates are now combined with this consolidated case to be considered as a Mississippi Choctaw case.

The following descendants of the common ancestor, Lewis Donaho, were admitted to citizenship in the Choctaw Nation by judgment of the United States Court, Southern District, Indian Territory, at Ardmore, Indian Territory, January 20, 1898, citizenship case No. 133, entitled "I. E. Parks et al. vs Choctaw Nation." See citizenship docket "C", page 292.

Children, grandchildren, great-grandchildren and great-great-grandchildren of William Donaho:

	(I. E. Parks, his children
	(and grandchildren,
	(Athie Leonard, nee Parks,
	(and her children,
	(Clara Leonard
	(Preston Leonard
	(Perry Leonard
	(
	(W. J. Parks
	(and his children
	(Joseph Parks
Children, grandchildren and	(Selma Parks
great-grandchildren of Rebecca	(
Donaho, deceased.	(Bettie Hollis, nee Parks, and her
	(children by her first marriage,
	(Thomas Ward
	(Cora Ward
	(Willie Ward
	(
	(Allie Woods, nee Parks,
	(Sam Parks, Jr.
	(Willard Parks
	(Jessie Parks
	(Nora Parks
	(
"	(James A. Parks
	(and his children
	(William R. Parks
	(Luther I. Parks
	(
"	(Sarah Hartman, nee Parks,
"	(
"	(Mary Stout, nee Parks,
"	(
"	(K. C. Parks, his children
"	(and grandchildren,
"	(Maggie Harbolt, nee Parks,
	(and her children,

(5)

Children, grandchildren and
great-grandchildren of Rebecca
Donaho, deceased, continued.

(Harvey Harbolt
(Edgar Harbolt
(Deola Harbolt
(

(Perry Parks
(George W. Parks
(
(Reltu Parks
(
(Spencer L. Parks
(
(Joe Parks

Said judgment, above cited, also ordered that Martha Parks and Nancy Parks be admitted to citizenship in the Choctaw Nation by intermarriage.

Applications for citizenship in the Choctaw Nation by blood, in the case of I. E. Parks et al. vs Choctaw Nation, were filed with this Commission September 5, 1896. Answer of the Choctaw Nation duly filed. On December 2, 1896, said applications were denied. Appealed and judgment as aforesaid. See citizenship docket "C", page 292.

By subsequent proceedings of said court had at Ardmore, Indian Territory, on the 3rd day of March, 1899, judgment nunc pro tunc was rendered, wherein the following names were ordered stricken from the original judgment:

Bert Leonard,
Selma Leonard,
Ruby Hollis,

Mary Stout,
James H. Parks, Sr.,
Sarah Hartman.

The records of the Commission do not show that the names of these parties were included in the original petition filed with this Commission, which was denied and appealed.

The original judgment, herein cited, ordered admitted to citizenship by blood in the Choctaw Nation, one Sam Park. The name of this person does not appear of record as being a party to the original petition for citizenship filed with this Commission, nor has this party appeared before the Commission and applied for enrollment as a citizen by blood of the Choctaw Nation under the terms of said judgment.

The record shows that Ruby Hollis, daughter of Bettie Hollis, nee Parks, whose name was ordered stricken from the original judgment by subsequent proceedings of said court herein cited, was born after the filing of the original petition for citizenship, and that upon the filing of proper birth certificate she was enrolled by this Commission on July 20, 1901.

(6)

The following named persons descendants of parties plaintiffs in said judgment born since the rendition of said judgment, have been enrolled by the Commission upon the filing of proper birth certificates:

Emmett, child of Athie Leonard, nee Parks;
Isaac Irvin Parks and Sarah Estella Parks, children
of W. J. Parks;
Clara Woods and Lillian Woods, children of Allie
Woods, nee Parks.

With respect to case Choctaw 5159, James A. Parks et al., the name of James A. Parks was ordered stricken from the original judgment by order of the United States Court as hereinbefore stated. This party appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and applied for the enrollment of himself as a citizen by blood of the Choctaw Nation, and said application was refused. He again made personal appearance before this Commission at Colbert, Indian Territory, June 18, 1900, and applied for the enrollment as citizens by blood of the Choctaw Nation of himself and five minor children. The record shows that three of his children, William R., Luther S. and James W., were born subsequent to the rendition of the original judgment, and that his children Ora Belle, Henry Stanley and Mamie Ruth Parks, were born prior to the rendition of the original judgment. The names of James A. Parks and his children were not included in the original applications for citizenship filed with this Commission. See evidence of James A. Parks taken at Durant, Indian Territory, August, 1899, and Colbert, Indian Territory, June 18, 1900, filed with Choctaw case 5159.

The following named descendants of the common ancestor, Lewis Donaho, have failed to enter appearance or in any manner prosecute before this Commission any rights which they may have as Mississippi Choctaws:

Children, grandchildren and great-grandchildren of
Daniel Donaho:

Children of Daniel Winston Donaho. (Nancy A. Donaho
(James M. Donaho

Children and grandchildren of T. F. Donaho. (Applicant) (Mollie Martin, nee Donaho,
(Stella Martin and her children
(Della Martin
(Joe Martin
(Coots Martin
(Allen Martin
(Elmer Martin

(7)

Children and grandchildren of
T. F. Donaho. (Applicant)
Continued.

(Lula Moro, nee Donaho,
and her children

(Sarah Moro

(Ed Moro

(Cal Moro

(Robert Moro

(William Donaho

and his children

(Mamie Donaho

(Ollie Donaho

(Ora Donaho

(Infant, not named.

(Charlie Donaho

and his children

(Mabel Donaho

(Ed Donaho

(Gladys Donaho

(Sallie Martin, nee Donaho,

and her children

(Jessie Martin

(Travis Wesley Martin

(Arthur Martin

Isaac Donaho

Lewis Donaho

Augustus Donaho
and his children

(Becky Donaho

(Ella Donaho

(Minnie Donaho

(Minty Donaho

William Donaho

Henry Donaho

Children, grandchildren and great-grandchildren of
William Donaho:

Children of Rebecca Parks,
nee Donaho, deceased.

(Mahala J. Parks

(Sam L. Parks

(H. H. Parks

(Jeff D. Parks

(W. W. Parks

(8)

Children and grandchildren of
Frances A. Young, nee Donaho,
applicant.

(William Young
(Winston Young
(Greenbury Young
(Columbus D. Young
(and his children
(Mary L. Young
(William Young
(Lillie Young
(Myrtle Young
(David Young
(Ivey Young
(Robert Young
(Jesse Young
(
(Christopher Young
(Francis Young
(Susan Young
(Mandie Young
(Mattie Malone, nee Young,
(and her child
(Anderson Malone

William Donaho.

Isaac Donaho.

Roby Donaho.

Lewis Donaho.

Hiram Donaho.

Keziah Donaho.

Erwin Donaho.

Daniel.

All of the applicants herein testify orally that they reside in the Choctaw and Chickasaw Nations, Indian Territory.

The proof submitted in these cases is the oral testimony of the applicants and the affidavits of various parties, co-applicants and relatives by intermarriage, and a certified copy of the

transcript of the court proceedings in the case of I. E. Parks et al. vs Choctaw Nation, hereinbefore referred to.

Applicants testify orally and show by their sworn petitions that Daniel Donaho, the son of Lewis Donaho, was married and the head of a family in 1827, and that said Daniel Donaho moved from the state of Mississippi to the Choctaw Nation, Indian Territory, or to the state of Texas, between the years 1830 and 1833. As to whether Daniel Donaho moved to the state of Texas or the Choctaw Nation, Indian Territory, there is an apparent conflict.

T. F. Donaho, applicant in case 4468, testifies orally that his father Daniel Donaho moved to the state of Texas between 1830 and 1833.

Blackstone B. Donaho, the principal applicant in case 986, testifies orally that his father Daniel Donaho moved to the state of Texas from the state of Mississippi about 1836, and sets up in his sworn petition that his father Daniel Donaho moved to the Choctaw Nation, Indian Territory, and located in said Indian Territory, Choctaw Nation, at or near a place known as Boggy Depot; that he remained at that place for a short time, and about the year 1836 moved from the Choctaw Nation, Indian Territory, to the state of Texas.

It is shown by the record in case 4610, Frances Ann Young, nee Donaho, the daughter of William Donaho, that William Donaho moved from the state of Mississippi to the state of Texas in 1847. There is no proof before the Commission to show that William Donaho was married and the head of a family in the year 1830.

Applicants in their oral testimony and documentary evidence which they have filed in support of their various applications, cite the Commission to the judgment granted by the United States Court, Indian Territory, for the Southern District, Indian Territory, in the case of I. E. Parks et al. vs Choctaw Nation, as hereinbefore referred to, as defining their status as Mississippi Choctaw Indians, and base their rights to identification as Mississippi Choctaws solely upon this judgment.

They have offered no proof, either oral or documentary, tending to show that the ancestor through whom they claim the right to identification as Mississippi Choctaws, was a recognized member of the Choctaw tribe of Indians and resided with said Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, September 27th, 1830. Nor have they offered any proof, either oral or documentary, tending to show any act of compliance on the part of their ancestors with any of the provisions of article fourteen of said treaty of 1830.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Isaac E. Donaho, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

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Anna Journagan, et al.,	M. C. R. 2232
Martin W. Palmer, et al.,	M. C. R. 2233
Will Palmer,	M. C. R. 2234
James W. Palmer, et al.,	M. C. R. 2235
Florence Malderine Ward, et al.,	M. C. R. 570
George W. Donaho,	M. C. R. 571
Walter Lee Donaho,	M. C. R. 573
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Thomas T. Donaho,	M. C. R. 841
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T. F. Donaho, et al.,	M. C. R. 4468
William Donaho, et al.,	M. C. R. 4608
Joseph T. Young, et al.,	M. C. R. 4609
Frances Ann Young,	M. C. R. 4610
Paralee L. Searoy, et al.,	M. C. R. 4611
Mellie Martin, et al.,	M. C. R. 5147
Lula Watson, et al.,	M. C. R. 5148
William L. Donaho, et al.,	M. C. R. 5149
Charlie Donaho, et al.,	M. C. R. 5150
Sallie Martin, et al.,	M. C. R. 5151
Sarah Katherine Peters, et al.,	M. C. R. 6197

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List of papers forwarded to the Secretary of the Interior,
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Muskogee, Indian Territory, October 1, 1900.

Isaac E. Donaho,

Duncan, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th ultimo addressed to the Honorable Secretary of the Interior, Washington, D. C. and by him referred to this Commission for consideration and action.

You state in your letter that you are a Choctaw Indian and that your rights are not denied by those that understand the case. Several of your relations are on the final rolls and that your rights are identical to theirs but that you did not make your application in the specified time as will be shown by the testimony when submitted to the Secretary of the Interior.

You request to be informed as to your rights as a citizen of the Choctaw Nation to collect rents from lands in the Choctaw Chickasaw country selected by you for your allotment on behalf of your son.

You are informed that the records of this Commission show that you have twice made application for enrollment as a Choctaw, your first application having been made to the Commission at Durant, Indian Territory, in August, 1899 and the Commission after hearing your testimony at that time refused to enroll you. Subsequent to such action of the Commission, you on June 18th, 1900, appeared before the Commission at Colbert, Indian Territory, and there made application for the identification of yourself and your four

I. E. D. 2-2

minor children as Mississippi Choctaws. The Commission at that time fully heard your oral testimony and it appeared therein that you made a claim under the judgment of the United States Court for the Southern District of the Indian Territory in the case of J. E. and K. C. Parks vs. the Choctaw Nation but it further appears that you were not a party to the original action in that case nor were you in the judgment admitting the parties in that case to citizenship in the Choctaw Nation.

The Commission after carefully considering your oral testimony and the written evidence submitted in support of the same for the identification of yourself and children as Mississippi Choctaws, on August 3, 1900, rendered a decision refusing your rights to identification. A copy of this decision was mailed to you and as far as the Commission is concerned the records in your case are closed.

You have never been enrolled by the Choctaw tribal authorities, never admitted to citizenship in that tribe by the tribal authorities thereof or by this Commission in 1896 acting under the act of Congress of June 10, 1896, or by the United States Court on appeal from the decision of the tribal authorities or the decision of the Commission. You have also been denied the application made by you on behalf of yourself and children for identification as Mississippi Choctaws.

The Commission cannot therefore recognize you as being entitled in any manner to enrollment as a citizen of the Choctaw Nation and consequently cannot advise you as to rights to collect rents or to hold lands in the Choctaw-Chickasaw country.

Yours truly,

M. C. R-271

Acting Chairman.

Muskogee, Indian Territory, January 31, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the applications for identification as Mississippi Choctaws of Robert E. Donaho et al. and Isaac E. Donaho et al., records of which were returned with letter of your office dated July 31, 1901, with instructions for further hearing, you are informed that these cases have been combined with the cases of

T. F. Donaho et al.,
Will Palmer,
Martin W. Palmer et al.,
Florence M. Ward et al.,
Walter Lee Donaho,
John E. Donaho,
Paralee L. Searoy et al.,
Joseph T. Young et al.,

Anna Journagan et al.,
James W. Palmer et al.,
Lena J. Clappitt et al.,
Blackstone B. Donaho et al.,
Thomas T. Donaho,
George W. Donaho,
Frances A. Young,
William Donaho et al.,

applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications and the attorneys for the Choctaw Nation, that there will be heard additional testimony of applicants or witnesses in person at the office of

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the Commission at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M.

Respectfully,

M.C. 271

Acting Chairman.

Muskogee, Indian Territory, January 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in the cases of

Robert E. Donaho et al.,
T. F. Donaho et al.,
Will Palmer,
Martin W. Palmer et al.,
Florence M. Ward et al.,
Walter Lee Donaho,
John E. Donaho,
Paralee L. Searcy et al.,
Joseph T. Young et al.,

Isaac E. Donaho et al.,
James W. Palmer et al.,
James W. Palmer et al.,
Lena J. Clappitt et al.,
Blackstone B. Donaho et al.,
Thomas T. Donaho,
George W. Donaho,
Frances A. Young,
William Donaho et al.,

applicants to this Commission for identification as Mississippi
Choctaws.

Yours truly,

M.C. 271

Acting Chairman.

Muskogee, Indian Territory, January 31, 1902.

Isaac E. Donaho,

Duncan, Indian Territory.

Dear Sir:

In the matter of your application for the identification ~~as Mississippi Choctaws of yourself and five minor children~~, you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 271

Acting Chairman.

Muskogee, Indian Territory, February 27, 1902.

Pruett & Carr,

Attorneys at law,

Pauls Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the twenty fourth instant, stating that you have a witness in the Donaho case, which is set for hearing at Muskogee on March 10th, who is nearly a hundred years old and so feeble that it is impossible for her to make the trip to Muskogee. You ask if her testimony can be taken in this case.

For your information, there is inclosed you herewith a copy of the rules of the Commission governing the taking of depositions in support of applications for identification as Mississippi Choctaws and your attention is especially directed to Rule 1 which defines inability to procure the attendance of witnesses. You are advised that if an application to take the deposition of this witness is made to the Commission prior to the date fixed for the final hearing of this case, March 10, 1902, the same will receive consideration.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, March 8, 1902.

Isaac E. Donaho,
Duncan, Indian Territory,

Dear sir:

~~Receipt is hereby acknowledged of your letter of the fifth~~
instant in which you state that, on account of sickness, you will be
unable to appear before the Commission at Muskogee, Indian Territory,
on March 10, 1902, the date fixed for the rehearing of your applica-
tion as a Mississippi Choctaw, and you ask that some later day be
set for such hearing.

In reply to your letter you are informed that no applica-
tion for a continuance of your case can be considered except upon
motion duly made in writing and sworn to setting forth the reason
of your inability to appear on the previous date and affidavits as
to the materiality of the evidence you expect to introduce in support
of your application.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 19, 1903.

S. Heard,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clampitt, et al.,	M.C.R. 614
Thomas T. Donoho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searoy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda E. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, ~~Ethel~~ Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searoy, Annie Searoy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Mannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. D. _____

Commissioner in Charge.

Registered.

COPY,

M C R 271

Muskogee, Indian Territory, January 19, 1903.

Isaac E. Donaho,

Duncan, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M C R	271
Robert E. Donaho, et al.,	"	273
John E. Donaho,	"	275
Anna Journagan, et al.,	"	2232
Martin W. Palmer, et al.,	"	2233
Will Palmer,	"	2234
James W. Palmer, et al.,	"	2235
Florence Malderine Ward, et al.,	"	570
George W. Donaho,	"	571
Walter Lee Donaho	"	573
Lena J. Clappitt, et al.,	"	614
Thomas T. Donaho,	"	841
Blackstone B. Donaho, et al.,	"	986
T. F. Donaho, et al.,	"	4468
William Donaho, et al.,	"	4608
Joseph T. Young, et al.,	"	4609
Frances Ann Young,	"	4610
Paralee L. Searcy, et al.,	"	4611
Mollie Martin, et al.,	"	5147
Lula Watson, et al.,	"	5148
William L. Donaho, et al.,	"	5149
Charlie Donaho, et al.,	"	5150
Sallie Martin, et al.,	"	5151
Sarah Katherine Peters, et al.,	"	6197

I E D-2.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clompitt, Clare Lilly Clompitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searoy, Annie Searoy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary

-2-

of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. D. Jones.

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, January 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clampitt, et al.,	M.C.R. 614
Thomas T. Donoho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searcy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donoho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Vera Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jesse Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Anna Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. [Signature]

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Isaac E. Donaho, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 19, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Isaac E. Donaho, et al.,	M.C.R. 371,
Robert E. Donaho, et al.,	M.C.R. 373,
John E. Donaho,	M.C.R. 275,
Anna Journagan, et al.,	M.C.R. 2232,
Martin W. Palmer, et al.,	M.C.R. 2233,
Will Palmer,	M.C.R. 2234,
James W. Palmer, et al.,	M.C.R. 2235,
Florence Walderine Ward, et al.,	M.C.R. 570,
George W. Donaho,	M.C.R. 571,
Walter Lee Donaho,	M.C.R. 573,
Lena J. Clampitt, et al.,	M.C.R. 614,
Thomas J. Donoho,	M.C.R. 841,
Blackstone B. Donaho, et al.,	M.C.R. 986,
T. F. Donaho, et al.,	M.C.R. 4466,
William Donaho, et al.,	M.C.R. 4608,
Joseph T. Young, et al.,	M.C.R. 4609,
Frances Ann Young,	M.C.R. 4610,
Paralee L. Searcy, et al.,	M.C.R. 4611,
Mollie Martin, et al.,	M.C.R. 5147,
Lula Watson, et al.,	M.C.R. 5148,
William L. Donaho, et al.,	M.C.R. 5149,
Charlie Donaho, et al.,	M.C.R. 5150,
Sallie Martin, et al.,	M.C.R. 5151,
Sarah Katherine Peters, et al.,	M.C.R. 6197.

The Secretary--2.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED):

Tamr Bixby.

Enc. M.C.R. 271.

Acting Chairman.

Copy.

Land

DEPARTMENT OF THE INTERIOR.

9351-1903.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. April, 3, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the consolidated case of Isaac E. Donaho, et al., applicants for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on January 19, 1903.

Said consolidated case embraces the following applications: Isaac E. Donaho for himself and his four minor children, James Owen, Lucinda C., Jerry S., and Evin J. Donaho; Robert E. Donaho for himself and his minor child, William Rufus Donaho; Isaac E. Donaho for his son, John E. Donaho, a United States soldier serving in the Philippine Islands; Anna Journagan for herself and her two minor children, Eddie and Huley Journagan; Martin W. Palmer for himself and his two minor child, Alice Palmer; Will Palmer for himself; Martin Palmer for his four children, James W., Harvey I., Fay and Mary Palmer; Florence Malderine Ward for herself and her minor child, Annie May Ward; George W. Donaho for himself; Walter Lee Donaho for himself; Lena J. Clampitt for herself and

her minor child, Clare Lilly Clappitt; Thomas T. Donaho for himself; Blackstone B. Donaho for himself and his two minor children, Ada and Annie May Donaho; t. F. Donaho for himself and his minor child, David Donaho; Mollie Martin for herself and her six minor children, Stella, Joseph, Della, Allen, Ethel and Elmer Martin; Lula Watson for herself and her four minor children, Sadie, Eddie, Calvin and Bobbie Watson; William L. Donaho for himself and his four minor children, Mamie, Ollie, Nora and Maggie Donaho; Charlie Donaho for himself and his three minor children Mable, Eddie and Gladys Belle Donaho; Sallie Martin for herself and her three minor children, Jessie, Travis Wesley and Arthur Martin; and Sarah Katherine Peters for herself, her four minor children, Syble, Travis D., Charles and Luther Peters, for her two minor neices, Nannie Ann and Ola Lott, and for her two minor nephews, Hemer and Oscar Lott.

It appears from the testimony that all of said applicants claim the right to be identified as Mississippi Choctaws by reason of their descent from Lewis (or Louis) Donaho, an alleged full blood Choctaw Indian residing in Mississippi in 1830, - that certain of the applicants also claim right by reason of being descendants of Anna or Annie May Donaho (nee Chance), an alleged quarter-blood Choctaw, and that other of the applicants also claim rights as Mississippi Choctaws as descendants of Lucinda Donaho (nee McGhee) who is said to have been possessed of some Choctaw blood, degree not stated.

The commission bases its decision rejecting the applicants on the ground that it does not appear from the evidence offered or from the records in the possession of the commission that any of said ancestors from whom the applicants claim to have derived their Choctaw blood, or ancestors less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or presented a claim to rights thereunder under Acts of March 3, 1837 and August 23, 1842 (5 Stat., 180- 513).

An examination of the records of this office discloses the fact that the name of none of said ancestors appears on the list of those who complied or attempted to comply with the provisions of said 14th article or presented a claim to benefits thereunder. Such being the case, it is recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

E. B. F.(G)

Copy.

J. P.

DEPARTMENT OF THE INTERIOR.

MAF.

D.C.19440.

WASHINGTON.

July 14, 1903.

ITD. 3682-1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 4, 1903, you transmitted the consolidated case involving the application for identification as Mississippi Choctaws, of Isaac E. Donaho and his minor children, James Owen, Lucinda C., Jerry S. and Evin J. Donaho; of Robert E. Donaho and his minor child, William Rufus Donaho; of John E. Donaho; of Anna Journagan and her minor children, Eddie and Huley Journagan; of Martin W. Palmer and his minor child, Alice Palmer; of Will Palmer; of Martin Palmer and his minor children, James W., Harvey I., Fay and Mary Palmer; of Florence Malderine Ward and her minor child, Anna May Ward; of George W. Donaho; of Walter Lee Donaho; of Lena J. Clampitt and her minor child, Clare Lilly Clampitt; of Thomas T. Donaho; of Blackstone B. Donaho and his minor children, Ada and Annie May Donaho; of T.F. Donaho and his minor child, David Donaho; of Mollie Martin and her minor children, Stella, Joseph, Della, Allen, Ethel, and Elmer Martin; of Lula Watson and her minor children,

Sadie, Eddie, Calvin and Bobbie Watson of William L. Donaho and his minor children, Mamie, Ollie, Nora and Maggie Donaho; of Charlie Donaho and his minor children, Mable, Eddie and Gladys Belle Donaho; of Sallie Martin and her minor children, Jessie, Travis Wesley and Arthur Martin; and of Sarah Katherine Peters and her minor children, Syble, Travis D., Charles and Luther Peters, and her minor nieces, Nannie Ann and Ola Lott, and her minor nephews, Homer and Oscar Thomas Lott.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Lewis or Louis Donaho, who is alleged to have been a full blood Choctaw Indian and a resident of Mississippi in 1830. Certain of the applicants also claim descent from Anna or Annie May Donaho (nee Chance), who is alleged to have been a quarter blood Choctaw Indian. Certain others also claim descent from Lucinda Donaho (nee McGee), who is alleged to have possessed some Choctaw ~~Indian~~ blood.

The evidence furnished by the applicants, as well as the records of the Indian Office, fails to show that any one of the alleged ancestors of the applicants complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting April 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

- 3 -

A copy of his letter is inclosed herewith.

The department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 271.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Isaac E. Donaho,

Duncan, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

M.C.R. 271.

Muskogee, Indian Territory, July 30, 1903.

Mansfield McKurry & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donahoe et al., of which decision you were advised by mail on the 19th day of January, 1903.

Respectfully,

I. B. Needa.
Commissioner in Charge.

M.C.R. 271.

COPY

Muskogee, Indian Territory, July 30, 1903.

S. Heard,

Attorney at Law,

Fishemingo, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Deane et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Chickasaw Nation

MEMORANDA.

(Date) 1899.
 Name Isaac C. Donaho (Donaho)
 Choctaw? *Miss* County *Indian roll* Year 1896 No.
 Chickasaw? *no* County " " Year 1883 Page
 Citizen by blood? *yes* Mother's citizenship *Choc.*
 Intermarried citizen? *no*
 Married under what law?

License filed this day,

Wife's name, *Mary A. Donaho*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

(17) <i>Janees C</i>	County	Year	Page	No.
(13) <i>Lucinda C</i>	County	Year	Page	No.
(6) <i>Terry S.</i>	County	Year	Page	No.
(14) <i>Ervin J.</i>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

(17) Daniel W. Donaho

(13) Lucinda Donaho

Ervin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED.

#271

Isaac E. Donahoe
et al

Judge rendered

34

61036	Incl. No. 45	1900
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
ALCOHOL REVERSED AND COPY
MAILED
AUG 8 1900

REFER TO M. C. R. 271

ISAAC E DONAHU ET AL

CONSOLIDATED CASE

Daniel Donaho $\frac{3}{4}$ Pages 2, 3, 4
married Dead
Anna May Chance $\frac{1}{4}$
Dead

Lewis Donaho Dead
Choctaw Indian

William Donaho $\frac{3}{4}$ Pages 5, 6, 7
wife Dead
Jane Donaho
nee Alkerson, White,

Amiel Donaho
and wife Fanny May Chance

Blackstone B. Donaho
married 62.72
Mahaley Nelson

Robert E. Donaho 1/4 25
Mary Donaho, white
George W. Donaho 1/4 24
Walter Lee Donaho 1/4 23
Worner Milderum Donaho 1/4 20
Luke Ward
Ada Donaho 17
Amy May Donaho 16

William Rufus Donaho 3m
Annie May Ward 2

Amiel Winston Donaho
married Head
Lucinda McGee
neé Morgan

Isaac E. Donaho 1/4 43
Margaret A. Nichols white

John E. Donaho 1/8 23
Thomas J. Donaho 1/8 22
Lena J. Donaho 1/8 20
Samuel Augustus Clappitt
Clara Lilly Clappitt 2
Worner J. Donaho 16
Lucinda C. Donaho 12
Augustus Donaho 9
Jerry L. Donaho 6
Evan J. Donaho 4

Nancy A Donaho
James M Donaho

Cont 5

Harriet Donaho
and wife Anna May Chaner

Harriet Donahon Donaho
married Dean
Lucinda May

10/6/35

William Donaho 38 1/4

Ellar L. Donaho 28

10/6/35

Arthur Clifton Donaho 8

Leppie W. Donaho 6

William Lee Donaho 2

Walter Robert Donaho 8m

10/6/35

Mollie Donaho 35-

married
John Martin

10/6/35

Willa Martin 14

Willa Martin 12

Willa Martin 10

Willa Martin 7

Willa Martin 6

Elmer Martin 2

10/6/35

Lula Donaho 33-

married
Robert Watson

10/6/35

Stadie Waken 11

Eddie Waken 8

Calvin Watson 5

Robert Watson 3

10/6/35

J. J. Donaho 52 1/4

married
Sallie Cockrell

William L. Donaho 30

name of wife not given
Dora Donaho

10/6/35

Mamie Donaho 7

Allice Donaho 5

Nara Donaho 3

Robert not named

Aggie Donaho 3m

10/6/35

Charlie Donaho 26

name of wife not given
Daisy Donaho

10/6/35

Mabel Donaho 5

Eddie Donaho 3

Belle Gladys Donaho 15m

10/6/35

Sallie Donaho 24

married
William Martin

10/6/35

Reice Martin 7

Travis Wiley Martin 5

Arthur Martin 2

10/6/35

David Donaho 20

Daniel Donado

and Anna May Chance

Isaac Donado

Levin Donado -- see p. 10

Augustus Donado

name of wife not given

- | | |
|---|---------------|
| — | Dicky Donado |
| — | Ella Donado |
| — | Minnie Donado |
| — | Monty Donado |

William Donado

Henry Donado

Lewis N Donaho
 mar
 Sarah Bryant

Mar 6/91
 Sarah Catherine Donaho
 mar 418
 John H. Peters, w.

Mar 6/91
 Apple Peters 14
 "Ira W. Peters 10
 Charles Peters 7
 Luther Peters 3

Matilda Ann Donaho?
 mar dead
 John H. Katt, w. & ind.
 dead

Mar 6/91
 Nancy Ann Katt 10
 Ola Katt 12
 Homer Katt 11
 Oscar Thomas Katt 6

William Honado

Rebecca Honado Dead
marries
W. J. Parks Dead

cho 5297 ✓
E. Parks 52 1/16
admitted by U.S. Court
wife
cho 5297 ✓
Martha Parks, white
admitted in I.W. by U.S. Court

cho 5297 ✓
James J. Parks
admitted by U.S. Court Subsequently name changed from original judgment
Susan M. Parks
cho 5297 ✓
Mahala J. Parks
cho 5297 ✓
Sam L. Parks
cho 5297 ✓
N. N. Parks
cho 5297 ✓
Sarah Hartman
cho 5297 ✓
Mary Short
cho 5297 ✓
Jeff D. Park
cho 5297 ✓
W. W. Park

cho 5301 ✓
Abbie Parks 31 1/32
admitted by U.S. Court
cho 5301 ✓
Bert Leonard 42 white
admitted by U.S. Court
Name Stricken from Original Judgment by order U.S. Court

cho 5301 ✓
W. S. Parks 28 1/32
admitted by U.S. Court
Emma Parks white

cho 5299 ✓
Bettie Parks 27 1/32
admitted by U.S. Court
Fruit John Ward Dead
Sund John Hollis
Maid M. L. Cox

cho 5298 ✓
Albie Parks 21 1/32
admitted by U.S. Court
Geo Woods

cho 5297 ✓
Sam Parks Jr 48
Willard Parks 12
Jessie Parks 10
Nora Parks 6

cho 5297 ✓
Ora Belle Parks 10 not included in judgment
Henry Stanley Parks 7
Marion R. Parks 5
William R. Parks 3
Lester J. Parks 2
James W. Parks 2
admitted by U.S. Court
admitted by order U.S. Court, subsequently name Stricken from original judgment, no application for enrollment and judgment
admitted by order U.S. Court, subsequently name Stricken from original judgment, no application for enrollment and judgment
admitted by order U.S. Court, subsequently name Stricken from original judgment, no application for enrollment and judgment

cho 5301 ✓
Celara Leonard 11
admitted by U.S. Court
Orlean Leonard
Perry Leonard
Emmett Leonard 5 mo
Born same judgment May 22 1898

cho 5301 ✓
Joseph in judgment
John Parks 2
admitted by U.S. Court
Selma Parks
Sage Wynn Parks 2 1/2
Sara Wynn Parks 8 mo
Born same judgment May 22 1898

cho 5299 ✓
Thomas Ward 10
admitted by U.S. Court
Cora Ward
Willie Ward
Ruby Ward 2
admitted by U.S. Court
Subsequently Stricken from Original Judgment by order of Court
Enrolled July 20 1901, proper bills off hand

cho 5299 ✓
Celara Woods
Lillian Woods
Born same judgment, enrolled July 7, 1900

William Donaho

Rebecca Donaho conts
married
to J. Sparks

H. C. Parks 49 1/4

Married
Verny McGonigill
2. 5. 1845 at 3. 10. 1845 at 4

William Young
Winston Young
Greenbury Young

Columbus Young
married
Lan Burnett

Francis A. Donaho 50 3/4
married
Isachar Young

Christopher Young
Francis Young

Joseph T. Young 31 3/16
married
Arie Phillips

Susan Young
Mandie Young

Matth Young
married
Benj. Malone

Paralee L. Young 20 2/16
married

George Seary

William Donaho
Isaac Donaho
Roby Donaho

5161
Maggie Parks 26 1/8
Married
Wilton Harbott
Percy Parks 21
Married by U.S. Court
Guske W. Parks 17
Married by U.S. Court
Riley W. Parks 13
Married by U.S. Court
James L. Parks
Married by U.S. Court
Jm. Parks
U.S. also by U.S. Court

5162
Harvey Harbott
Married
Edgar Harbott
Married
John Harbott
Married
Married by U.S. Court

Mary L. Young
Winston Young
Lillie Young
Myrtle Young
David Young
Craig Young
Robert Young
Jesse Young

637
Stanny Young

Anderson Malone

636
Anna Seary

William Donaho

Nancy Donaho, Dead
married
Ben White

Mabel White, Dead
married
Martin Palmer 68

Louis Donaho

Niram Donaho

Reziak Donaho

Erwin Donaho

Daniel Donaho

Anna Palmer 32 1/8 married Anna Jounagan	Eddie Jounagan 6, Female "Hulley Jounagan 3.
Martin W. Palmer 30 1/2 wif Daisy Palmer	Alice Palmer
Will Palmer 23 1/2	
James W. Palmer 16 1/8	
Harvey J. Palmer 14 1/8	
Fay Palmer 12 1/8	
Mary Palmer 7 1/8	

M. C. R. # 271.

Evidence:
"James Owen"

Isaac E Dowaho
vs.
Choctaw Nation

Miss. Choc Case No. R271

Original testimony and all papers filed in
this case forwarded Secretary of Interior.

Dec 3 1855

Judgment:

"James O."

Choctaw MCR 272

Caladonia Lee

See MCR 344

MCR 272

Edonia Lee

REFUSED.

DEC 1

NOTICE OF DEEDS FOR SALE

APR 21 1902

NOTICE OF DEEDS FOR SALE
ATTORNEY FOR SALE

APR 21 1902

APR 21 1902

NOTICE OF DEEDS FOR SALE

APR 21 1902

NOTICE OF DEEDS FOR SALE

MAY 31 1902

NOTICE OF DEEDS FOR SALE
ACTION MAILED APR 21 1902

MAY 10 1902

NOTICE OF DEEDS FOR SALE
ATTORNEY FOR SALE

MAY 10 1902

NOTICE OF DEEDS FOR SALE
ATTORNEY FOR SALE

MAY 20 1902

REFLECT 344

Mar. 24. 92. O. O. Roff. I. Y.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Caldonia Lee and minor children, for identification as Mississippi Choctaws., and Caldonia Lee, being sworn by Acting Chairman, Tams Bixby, testified as follows.

- Q What is your name? A Caldonia Lee.
Q What is your age? A Thirty-eight (38).
Q. You apply for yourself and minor children for identification as Mississippi Choctaws? A Yes sir.
Q Where do you live? A Davis, I. T.
Q What Nation? A Chickasaw Nation, Indian Territory.
Q How long have you lived at Davis? A We came there last year, in July, 1899.
Q. Where did you live prior to moving to Davis?
A Cook County, Texas.
Q. How long did you live in Cook County, Texas?
A I lived in the State ~~about~~ twenty (20) years; I lived in Cook County ten (10) years.
Q. Where did you live prior to moving to Cook County?
A I lived in Titus County, Texas.
Q How long did you live in Titus County? A Two years.
Q. Where did you live prior to moving to Titus County, Texas?
A Fannin, County.
Q. How long did you live there? A Five (5) years.
Q Where did you live prior to moving to Fannin County, Texas?
A Cass County, Texas.
Q How long did you live in Cass County? A Two (2) years.
Q Where did you live prior to that? A Arkansas.
Q How long did you live in Arkansas? A I was born and raised there.
Q What county? A Waditau County, Arkansas.
Q. What is the name of your father? A Martin Blankenship.
Q Is he living? A No sir, he is dead.
Q When did he die? A In 1863.
Q Was he a white man? A No sir, Choctaw Indian.
Q What proportion of Choctaw blood did he claim? A One half.
Q Did he ever live in the Indian Territory? A No sir.
Q Did he ever live in Mississippi? A Yes sir.
Q What is the name of your mother? A Emily Blankenship.
Q Is she living? A No sir.
Q When did she die? A I do not know; I heard she was dead; she went to Hot Springs; I heard two or three years ago she was dead.
Q Was she a white woman? A Yes sir.
Q Did you father's name ever appear on any of the tribal rolls of the Choctaw Nation? A. My father's name, I do not suppose did.
Q Did you name ever appear on any Choctaw Tribal rolls as a Choctaw Indian? A No sir.
Q Did you ever make application to any of the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you apply to the Dawes Commission in the year 1896 for citizenship in the Choctaw Nation? A/ No sir.
Q You have never been recognized by the Choctaw Tribal authorities as a citizen of that Nation, have you? A. No sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Henry Dorcy Lee.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q Have you any children by Henry Dorcy Lee? A I have five (5)
Q Do you make application for them? A Yes sir.
Q Do you claim anything for your husband? A No sir.
Q Has the claim of your children for identification as Choctaw Indians the same foundation as your own? A Yes sir.

Q Are any of your children married? A Yes sir.

Q Give the names and ages of such of your children as are unmarried, under twenty-one years of age and now living with you?

A Minnie Lee, age 17, John Henry Lee, age 15, Mary Lee, age 11, Mattie Lee, age 4.

Q Are these children all living with you at the present time?

A Yes sir.

Q Have they always lived with you? A Yes sir., one ~~my~~ of my married daughters is living with me.

Q Upon what treaty do you base your claims? A I do not know anything about the treaties; 1830 and all the rest of them.

Q What do you mean by all the rest of them? A All treaties between the United States and the Choctaws.

Q Do you base your claim upon any particular article of any particular treaty between the United States and the Choctaws?

A No sir.

Q Then you do not base your claim upon the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?

A No sir; I do not know anything about it.

Q Did you ever receive any land as beneficiary under the provisions of the fourteenth article of the Dancing Rabbit Creek treaty?

A No sir.

Q Did any of your ancestors ever claim or receive any land as beneficiaries, under the provisions of the fourteenth article of Dancing Rabbit Creek treaty? A No sir, if they did, I did not know anything about it.

Q You never lived in the State of Mississippi? A No sir.

Q If any of your ancestors had ever received any land under this fourteenth article of the treaty of 1830, do you not think you would probably have heard something of it? A It looks like I would.

Q As a matter of fact, in your judgment, do you think that they ever received any land under this treaty? A I do not think they did; my grand-parents left ~~xx~~ Mississippi about the time of the treaty of 1830.

Q Did you ancestors come direct from Mississippi to the Indian Territory? A No sir, from Mississippi to Tennessee, and then to Arkansas, and died ~~right~~ there in Arkansas, in Waditau County.

Q You say then that your grand parents left Mississippi about the year of the treaty of 1830? A It was some where near that time.

Q Do you think it was before that time? A I think it was about the time of that treaty.

Q Do you think they stayed there as long as two years after the treaty? A I do not know.

By L. D. Horton.

Q Speaking of these treaties, you have not been advised exactly about the time of these treaties, have you? A No sir.

Q Before how did you claim; as a Mississippi Choctaw exclusively?

A Yes sir.

Q You were left an orphan, I believe you stated? A Yes sir.

Q These facts that you are testifying to, concerning your ancestors, are facts that have been told you by your mother? A Yes sir.,

all I know is what my mother has taught me

Now then we will ask permission to file other papers under such rules as the Commission may have.

By The Commission.

Any papers, which may be filed at a later date by you, will not be considered by the Commission, in connection with your application, but will be forwarded with the other papers in your application to the Honorable Secretary of the Interior for his consideration, when the rolls of citizens of the Choctaw Nation are forwarded to him for approval.

To applicant.

Q Is there any additional statement, with reference to your case, that you desire to make at this time? A I desire to say that the name of my grand father is Waddill K. Blankenship, my grand mother, Harriet Blankenship, and her maiden name was Harriet Nelson or Dixon, and I claim my Indian blood through my grand-mother.

Q Have you any papers that you desire to file with the Commission at this time? A Yes sir.

Application of Caldonia Lee et al, for enrollment as ~~Choctaw~~ Descendants of Mississippi Choctaw Tribe or Indians is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

A copy of the decision of the Commission in ~~this case~~ regard to the application of yourself and your minor children for identification as Mississippi Choctaws will be furnished you in writing, mailed to you at a later date at your proper Postoffice address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and complete transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this 24th day of June, 1900.

[Signature]

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 8, 1902.

In the matter of the consolidated case of Caldonia Lee, et al., applicants for identification as Mississippi Choctaws, embracing the cases of

Caldonia Lee, et al.,
Ollie Lee,

M.C.R. 272,
M.C.R. 344.

In accordance with the letter of the Commissioner of Indian Affairs of July 27, 1901, remanding to this Commission, for further hearing, the case of Caldonia Lee, et al., the case of these applicants has been combined with the case of Ollie Lee, claiming descent from the same common ancestor, Jesse Nelson and his wife, Chima, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the applicants herein, their attorney and the attorneys for the Choctaw and Chickasaw Nations, January 29, 1902.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 8, 1902, at 9:00 o'clock A.M. the cases of the applicants herein being set for rehearing this day and date, and said cases being called, no appearance was made any of the applicants herein, their attorney nor the attorneys for the Choctaw and Chickasaw Nations.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 8, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 11th day of March 1902.

G. Rosenwinkel
Charles H. H. Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 8, 1902.

In the matter of the consolidated case of Caldonia Lee, et al., applicants for identification as Mississippi Choctaws, embracing the cases of

Caldonia Lee, et al.,
Ollie Lee,

M.C.R. 272,
M.C.R. 344.

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G. Rosenwinkel

Subscribed and sworn to before me this 11th day of March 1902.

Chas. W. Pittman
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 8, 1902.

In the matter of the consolidated case of Caldonia Lee, et al., applicants for identification as Mississippi Choctaws, embracing the cases of

Caldonia Lee, et al.,
Ollie Lee,

M.C.R. 272,
M.C.R. 344.

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Subscribed and sworn to before me this 11th day of March 1902.

G. Rosenwinkel
[Signature]
Notary Public.

DEPARTMENT OF
Commissioner to the

FILED

JUN 25 1906

Commissioner

DEPARTMENT OF THE INTERIOR.

In the matter of the application of Caldonia Lee, John Henry Lee, Mary Lee, Mimmie Lee, Mattie Lee, Olive Leonora Lee, Dorsey Lee, Elisha Lee, James Howard Lee and Rosie Caldonia Lee for identification as Mississippi Choctaws:

MOTION TO REOPEN

Come now Caldonia Lee, John Henry Lee, Mary Lee, Mimmie Lee, Mattie Lee, Olive Leonora Lee, Dorsey Lee, Elisha Lee, James Howard Lee and Rosie Caldonia Lee, applicants herein, by counsel, Ledbetter & Blodgett and James A. Ottner, and respectfully move the Honorable Secretary of the Interior to reopen said cause and take further testimony therein and, as grounds thereof, allege:

That if said cause is reopened and applicants are permitted to introduce further testimony, they can show conclusively that they are the lineal descendants of one To-no-wah who was a beneficiary under Article 14 of the treaty of Dancing Rabbit Creek; that applicants have discovered new evidence since the hearing of this cause before the Commission to the Five Civilized Tribes which, if permitted to be introduced, will show that their ancestor, To-no-wah, was a beneficiary under the Treaty of 1830; that these descendants, the applicants herein, are entitled to share in the lands of the Choctaw Nation; that this cause was reopened and remanded to the Commission to the Five Civilized Tribes with instructions to take further testimony therein and that the Commission notified the applicants that they would be permitted to appear and give further testimony but that said applicants did not receive such notice and their attorney never notified them and they had no knowledge whatever of such opportunity to submit further testimony until after the

70

case had been finally disposed of and decided adversely to said applicants; that at the original hearing of said case the attorney for applicants asked to submit some additional papers which would have shown that said applicants were descendants of a party who was a Beneficiary under Article 14 of the Treaty of 1830 and that they were entitled to identification as Mississippi Choctaws but the Commission refused to accept such papers and that, if a further hearing is granted, these papers will be submitted; that since the trial of this cause applicants have discovered witnesses who were personally acquainted with the ancestors of applicants herein and that it can be established by such witnesses that they are lineal descendants of To-no-wah and that said To-no-wah complied with the 14th Article of the Treaty of 1830.

WHEREFORE, Said applicants respectfully pray the Honorable Secretary of the Interior to reopen said cause and to grant a rehearing therein in order that they may submit testimony which will determine the identity of the applicants herein as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the Treaty of 1830.

Liddell & Blidsoe

James B. Blidsoe
Attys. for Applicants.

REFER TO M. C. N. 272

Caldonia Lee
et al

Consolidated Case

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application for identification
as Mississippi Choctaws of Caldonia Lee et al., M.C.R. 272.

In the matter of the application for identification
as Mississippi Choctaws of Ollie Lee et al., M.C.R. 344.

All of the applicants herein claim Mississippi Choctaw Indian descent from Jesse Nelson, a half blood Choctaw Indian, and his wife Chima, a full blood Choctaw Indian, who were the parents of Harriet Nelson or Dickson, called Rody, who married Waddell Blankenship.

Harriet Blankenship, nee Nelson or Dickson, was the mother of Martin Blankenship who married Emily Foster, a white woman.

Martin Blankenship was the father, grandfather and great-grandfather of all of the applicants herein.

The following descendants of the common ancestor, Jesse Nelson, and his wife Chima, appear of record as applicants for identification as Mississippi Choctaws by blood:

	(Ollie Lee
	(and her children
	(Elisha Lee
Caldonia Lee, nee Blankenship,	(James H. Lee
and her children.	(
	(Minnie Lee
	(John Henry Lee
	(Mary Lee
	(Mattie Lee

Applicants testify orally that they are residents of the Chickasaw Nation, Indian Territory.

The proof submitted in these cases is the oral testimony of the applicants, the sworn petition of the principal applicant Caldonia Lee, and the affidavit of Laura V. Stradford.

Applicant in her sworn petition sets up the line of descent claimed by her. She testifies orally that her grandparents left Mississippi about the time of the treaty of 1830; that they moved to the state of Tennessee, and from Tennessee to the state of Arkansas where they died.

(2)

The affidavit of Laura V. Stradford tends to show only her acquaintance with the parents and grandparents of applicant, and that her first acquaintance with them was in the state of Arkansas.

There is no evidence before the Commission, either oral or documentary, tending to show that any of the ancestors from whom the applicants herein claim descent, were recognized members of the Choctaw tribe of Indians and resided in the Choctaw Nation in Mississippi and Alabama at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, September 27th, 1830. Nor is there any evidence before the Commission, either oral or documentary, tending to show any act of compliance on the part of any of the ancestors from whom applicants claim descent, with any of the provisions of article fourteen of said treaty of 1830.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caladonia Lee for identification of herself and on behalf of her four minor children as Mississippi Choctaws.

The applicant, Caladonia Lee, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from her oral testimony given at that time in her own behalf and on behalf of her four minor children for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement with- in the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Caladonia Lee, on her own behalf and on behalf of her four minor children, Minnie, John Henry, Mary, and Mattie, is hereby refused.

BY THE COMMISSION.

Muskogee, Indian Territory, April 14, 1900.


Acting Chairman

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Consolidated Case of -
Caldonia Lee et al
MAR 27/2

W. F.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;-----

In the matter of the application of Caldonia Lee, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of

Caldonia Lee, et al.,
Ollie Lee, et al.,

M C R 272
M C R 344

Original application of Caldonia Lee, et al., for identification as Mississippi Choctaws.	Page. 1
Written petition of principal applicant.	4
Affidavit of Laura V. Stradford.	5
Decision of the Commission refusing the application of Caldonia Lee, et al., for identification as Mississippi Choctaws.	6
Letter from the Commission to Caldonia Lee, transmitting decision. (Copy)	8
Registry receipt.	9
Appearance of Chester Howe, attorney for applicants.	10
Original application of Ollie Lee, et al., for identification as Mississippi Choctaws.	11
Affidavit of Lavina Smith.	12
Affidavit of Charley Smith.	14
Written petition of principal applicant.	15
Affidavit of Laura V. Stradford.	16
Copy of letter from the Commissioner of Indian Affairs, remanding case of Caldonia Lee, et al.	17

2.

Copy of letter from the Commission to the Commissioner of Indian Affairs in regard to rehearing case of Caldonia Lee, et al.	Page. 18
Copy of letter from the Commission to the attorneys for the Choctaw and Chickasaw Nations, notifying them of rehearing of consolidated case of Caldonia Lee, et al.	19
Copy of letter from the Commission to attorney for applicants notifying him of rehearing of consolidated case of Caldonia Lee, et al.	20
Copy of letter from the Commission to Caldonia Lee notifying her of rehearing in consolidated case of Caldonia Lee, et al.	21
Copy of letter from the Commission to Ollie Lee notifying her of rehearing in consolidated case of Caldonia Lee, et al.	22
Transcript of proceedings had on March 8, 1902, at the rehearing of the consolidated case of Caldonia Lee, et al.	24
Final decision of the Commission in the consolidated case of Caldonia Lee, et al., applicants for identification as Mississippi Choctaws, refusing said application.	25

W. F.
H. H.
C. v. W.
411713.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caldonia Lee, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Caldonia Lee, et al.,
Ollie Lee, et al.,

M C R 272
M C R 344

--: D E C I S I O N :--

The record in the above consolidated case shows that
there were originally, two applications made separately by the
parties named at the times and places herein set forth, to-wit:

In the matter of the application of Caldonia Lee for the
identification of herself and her four minor children, Minnie,
John Henry, Mary and Mattie Lee, as Mississippi Choctaws, taken
at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Ollie Lee for the
identification of herself and her two minor children, Elisha and
James H. Lee, as Mississippi Choctaws, taken at Colbert, Indian
Territory, June 19, 1900.

While these applications have been consolidated and are
to be considered together as a whole, yet, in view of the varied
proceedings had in each, it will be necessary to consider them in
a measure separately.

Taking them in the order above named we find from the
record in the case of Caldonia Lee, et al., that on June 18, 1900,
the said Caldonia Lee appeared before the Commission at Colbert,

2.

Indian Territory, and there made personal application for the identification of herself and her four minor children, Minnie, John Henry, Mary and Mattie Lee as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Martin Blankenship (Blankenship), an alleged one half blood Choctaw, who married Emily Blankenship (Blankenship), a white woman, and who were the parents of this applicant, and now deceased.

The record in this case further shows that the principal applicant, Caldonia Lee, and her four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of Laura V. Stradford. By the oral statement of the principal applicant it is attempted to be shown that

she was born in the state of Arkansas in about the year 1862, and that for about eleven months prior to the making of her original application she had been a resident of Indian Territory, but she does not state how much Choctaw blood she is possessed of. She attempts to trace her alleged Choctaw descent through her father to her grandmother, Harriett Blankenship (Blankenship), whose maiden name was Harriett Nelson or Harriett Dixon, and whom she states removed from Mississippi to Tennessee in about the year 1830, but there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Laura V. Stradford it is attempted to be shown that affiant is acquainted with the principal applicant herein and with her parents and grandparents and that her grandmother, Harrett Blankenship, "was almost a 1/2 blood Indian, and she was known as a Choctaw Indian." Affiant further states that the said Harrett Blankenship "simply looked like an Indian and was considered an Indian." There is nothing in this ex parte affidavit which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant but it cannot be

considered in evidence as it is simply a statement of the facts expected to be proven by her.

The last in order of the above applications is that of Ollie Lee, et al., and the record therein shows that on June 19, 1900, the said Ollie Lee appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children, Elisha and James H. Lee as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Caldonia Lee, an alleged one quarter blood Choctaw, who married H. D. Lee, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Ollie Lee, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the oral statement of Caldenia Lee, given at the time of the making of the original application herein, and the ex parte affidavits of Lavina Smith, Charley Smith and Laura V. Stradford. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in about the year 1880, and that for seven months prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her mother, and there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the oral statement of Caldenia Lee it is attempted to be shown that the principal applicant is her daughter, and she attempts to trace the alleged Choctaw descent of the principal applicant to "Harriet Blankenship or Harriet Nelson, or Dickson, sometimes known as Rheda Nelson". There is nothing in this oral statement which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Lavina Smith it is attempted to be shown that affiant is acquainted with the mother, grandfather

and great grandmother of the principal applicant and that the latter was named "Harriett Dixon or Harriett Nelsen, sometimes called Rhody Nelsen or Rhody Dixon", and that "they were Indians or part Indian." By the ex parte affidavit of Charley Smith it is attempted to be shown that affiant was acquainted with the principal applicant's grandfather and great grandmother, Harriett Dixon, "sometimes called Rhody Nelsen and sometimes Rhody Dixon", in the state of Mississippi in about the year 1843. By the ex parte affidavit of Laura V. Stradford it is attempted to be shown that affiant was acquainted with the mother, grandparents and great grandparents of the principal applicant herein, and that her great grandmother, Harrett Blankenship "was almost a 1/2 blood Indian, and she was known as a Choctaw Indian." Affiant further states that the said Harrett Blankenship "simply looked like an Indian and was considered Indian." There is nothing in any of these ex parte affidavits filed herewith which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The record in this case shows that on September 3, 1900, there was forwarded by the Commission to the applicant, Caldonia Lee, a written decision, refusing the application which she had made

for the identification of herself and her minor children as Mississippi Choctaws.

On December 3, 1900, the record in the case of Caldonia Lee, et al., was forwarded to the Secretary of the Interior.

On July 27, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to this Commission for a further hearing, the record theretofore forwarded to the Secretary of the Interior in the case of Caldonia Lee, et al.

In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on January 29, 1902, notified Caldonia Lee, the principal applicant in the case so remanded, and also Ollie Lee, who had applied for the identification of herself and her minor children as Mississippi Choctaws, claiming descent from the same common ancestor, that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Saturday, March 8, 1902, at nine o'clock, A. M., there would be heard the testimony of such witnesses as might be presented by either of said applicants, or on behalf of the Choctaw and Chickasaw Nations. Notice to the same effect was on the same day given to the attorney for the applicants and to Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

Under Departmental instructions of June 10, 1901 and July 28, 1901, the applications of Caldonia Lee, et al., and Ollie Lee, et al., have been consolidated by the Commission to the Five Civilized Tribes under the head of Caldonia Lee, et al., the applicants claiming descent from the same common ancestor.

On Saturday, March 8, 1902, at nine o'clock A. M., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the consolidated case of Caldonia Lee, et al., was called for hearing and no appearance was made by either of the applicants, their attorneys, or by the attorneys for the Choctaw and Chickasaw Nations.

The Commission, in view of the fact that the applicants in these consolidated cases have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the only evidence offered therein is that given by the principal applicants at the time of the making of their original applications herein, and the ex parte affidavits filed by them. By the evidence so submitted it is attempted to be shown that the applicants in this case claim their Choctaw descent from one Harriett Blankenship, who is shown to have been married and the head of a family in the year 1830, but the evidence of Caldonia Lee, the principal applicant in this consolidated case, is to the effect that the said Harriett Blankenship, her grandmother, left Mississippi in about the year 1830 and removed to the state of Tennessee, and therefore could not have complied with the provisions of article fourteen of the treaty of 1830. There is absolutely nothing in the evidence submitted which in any way tends to show that the said Harriett Blankenship, or any other of the alleged Choctaw ancestors of the applicants were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi in the year 1830, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, known as the treaty of "Dancing Rabbit Creek." But as the principal

applicant, Caldonia Lee, may be in error as to the date of the removal of the said Harriett Blankenship from the state of Mississippi the Commission has examined all the records in its possession of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, and it does not appear therefrom that any person by the name of Harriett Blankenship ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1838, (30 Stats., 495), is as follows:

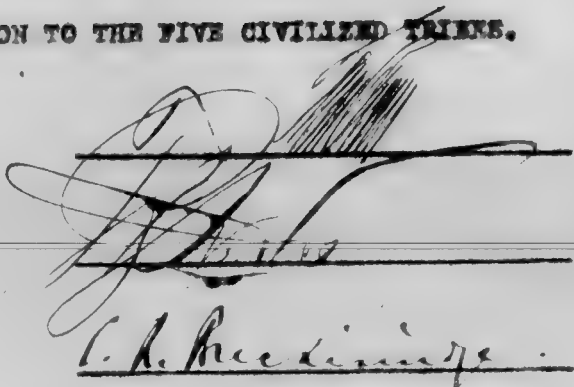
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caldonia Lee, Minnie Lee, John Henry Lee, Mary Lee, Mattie Lee, Ollie Lee, Eliza Lee and James H. Lee as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that their application for identification as such should be refused, and

10.

it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

A large, stylized handwritten signature, likely of C. A. Beckwith, is written over two horizontal lines. The signature is in dark ink and features a prominent, sweeping flourish that extends to the right.

Commissioners.

Muskogee, Indian Territory,

APR 15 1902

Copy

Refer in reply to the following:

Land.

25,255-1902.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

Washington, May 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith, a report, dated April 21, 1902, from T. D. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, transmitting for the Department's consideration, the record relative to the consolidated case of Caldonia Lee, et al.

The parties to said case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, and are as follows:

Caldonia Lee, et al.

Ollie Lee, et al.

The record in this case shows that the applicants attempt to trace their descent from Harriet Blankenship.

April 15, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

The office has examined the record in the case and does not

believe it sufficient to warrant the identification of said parties as Mississippi Choctaws, and a careful search of the records of the office has been made and no record has been found showing that the alleged original ancestor of the applicants complied with the provisions of the 14th article of the treaty of 1830 or with the requirements of the Acts of March 3, 1837 and August 23, 1842.

It is therefore respectfully recommended that the decision of the commission be approved.

Very respectfully,

Your obedient servant,

A.C.Tenner,

Acting Commissioner.

(C.A.W.)

P.

(D.C.No. 8588)

Copy

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

May 21, 1902.

I.T.D.2960-1902.

L.R.3

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the application of Caldonia Lee and her minor children, Winnie, John Henry, Mary and Mattie Lee, and application of Ollie Lee and her children, Eliza and James H. Lee for identification as Mississippi Choctaws.

The record discloses that the applicants claim descent from Harriett Blankenship, an alleged Choctaw Indian, and said to be the grandmother of Caldonia Lee. You state that not one of the applicants has ever been enrolled or duly admitted to citizenship in the Choctaw Nation, nor is there anything in the testimony tending to show that their ancestors were ever recognized as members of the Choctaw tribe of Indians in Mississippi; that it does not appear from your records that any one bearing the name of Harriett Blankenship ever signified her intention to comply with article 14 of the treaty of 1830, or presented her claim as beneficiary under said article to either of the commissions authorized by the acts of Congress of March 3, 1837 (5 Stat., 100) and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. You refused the application.

In his letter of May 3, 1902, the Acting Commissioner of Indian Affairs states that no record in the Indian Office has been found showing that Harriett Blankenship complied with the provisions of said article 14 or with the requirements of said acts of Congress above mentioned.

He recommends that your decision be approved.

The department finds no reason to disturb your decision, and it is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary
R00

1 inclosure.

(D.C.No.8588)

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muscogee, Indian Territory,

September 6th, 1900.

Caldonia Lee,

Davis, Indian Territory,

Dear Madam:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children Minnie, John Henry, Mary, and Mattie Lee for identification as Mississippi Choctaws, before the Commission at Colbert, Indian Territory, June 18th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,

Acting Chairman.

M. C. R.-272.
Enc.
Registered mail.

Muskogee, Indian Territory, January 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Saturday, March 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in the cases of Caldonia Lee et al. and Ollie Lee et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 272

Acting Chairman.

Muskogee, Indian Territory, January 29, 1902.

L. D. Horton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Saturday, March 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in the cases of Caldonia Lee et al. and Ollie Lee et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 272

Acting Chairman.

COMMISSIONERS
HENRY L. LAWRENCE
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYER, WORTH
F. KELLEY

MUSKOGEE, INDIAN TERRITORY

Muskogee, Indian Territory, January 29, 1902.

Caldonia Lee,
Davis, Indian Territory.

Dear Madam:

In the matter of your application for the identification as Mississippi Choctaws of yourself and four minor children, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Saturday, March 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 272

Acting Chairman.

Muskogee, Indian Territory, January 29, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Caldonia Lee et al., record of which was returned with letter of your office dated July 27, 1901, with instructions for further hearing, you are informed that this case has been combined with the case of Ollie Lee et al., applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these applications, their attorney and the attorneys for the Choctaw Nation, that there will be heard additional testimony of applicants or witnesses in person at the office of the Commission at Muskogee, Indian Territory, on Saturday, March 8, 1902, at nine o'clock A. M.

Respectfully,

M.C. 272

Acting Chairman.

Miss. Choo. 272
Miss. Choo. 344

Muskogee, Indian Territory, February 26, 1902.

Alfred Victor,
Franks, Indian territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the
eighteenth instant, asking if Dorsey Lee, Francis Lee, Ollie Lee,
Minnie Lee, John Henry Lee, Mary Lee and Mattie Lee are enrolled as
citizens of the Choctaw Nation.

In reply to your letter you are advised that it appears
from our records that Caldonia Lee, wife of Henry Dorcy Lee, and
their minor children, Minnie Lee, John Henry Lee, Mary Lee and Mattie
Lee, and their married daughter Ollie Lee and her children, Elisha
Lee and James W. Lee, are applicants for identification as Mississip-
pi Choctaws, whose rights as such, have not been finally determined
by the Commission. Francis Lee, concerning whom you inquire, does not
appear as an applicant for identification as a Mississippi Choctaw
under that name. If these are not the persons referred to by you,
and you will advise when and where they appeared before the Commis-
sion and such other information as you may possess, your inquiry will
receive further consideration.

Yours truly,

Commissioner in Charge.

COPY.

M O R 272

Muskogee, Indian Territory, April 21, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caldonia Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Caldonia Lee, et al., M O R 272

Ollie Lee, et al., M O R 344

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 490), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caldonia Lee, Minnie Lee, John Henry Lee, Mary Lee, Mattie Lee, Ollie Lee, Eliza Lee and James R. Lee as Choctaw Indians.

L D H 2

entitled to rights in the Ghostow lands under the provision of law above quoted, and that their application for identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

Acting Chairman

Registered.

COPY.

Muskogee, Indian Territory, April 21, 1902.

Chester Howe,

623 F Street, N W ,

Washington, D. C.

Dear Sir-

You are hereby advised that on the 18th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caldonia Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Caldonia Lee, et al., M C R 272
Ollie Lee, et al., M C R 344

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caldonia Lee, Minnie Lee, John Henry Lee, Mary Lee, Mattie Lee, Ollie Lee, Elisha Lee and James H. Lee as Choctaw Indians

C H 2

entitled to rights in the Choctaw lands under the provision of law above quoted, and that their application for identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY

M C R 272

Muskogee, Indian Territory, April 21, 1902.

Caldonia Lee,

Dawson, Indian Territory.

Remitted to Roff. J. J.

Nov. 29. 92

Dear Madam-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caldonia Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Caldonia Lee, et al.,	M C R 272
Ollie Lee, et al.,	M C R 344

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caldonia Lee, Minnie Lee, John Henry Lee, Mary Lee, Mattie Lee, Ollie Lee, Klisha Lee and James H. Lee as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that their application for identification as such should be refused, and it is so ordered."

C L B

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Acting Chairman

Registered.

COPY.

Muskogee, Indian Territory, April 21, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caldonia Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Caldonia Lee, et al., M C R 272
Ollie Lee, et al., M C R 344

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caldonia Lee, Minnie Lee, John Henry Lee, Mary Lee, Mattie Lee, Ollie Lee, Elisha Lee and James H. Lee as Choctaw Indians

M McM & C 2

entitled to rights in the Choctaw lands under the provision of law above quoted, and that their application for identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman.

Registered.

COPY.

M C R 272

Muskogee, Indian Territory, April 21, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Caldonia Lee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 16, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Caldonia Lee, et al., M C R 272
Ollie Lee, et al., M C R 344

The Commission has the honor to report that the principal applicants in the two separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M C R 272.

COPY.

Muskogee, Indian Territory, May 20, 1902.

Caldonia Lee,

Delta, Indian Territory.

Remailed to Ref. I. T.

Mr. 29.92

Dear Madam:

You are hereby advised that on the 21st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caldonia Lee, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

(SIGNED)

F. D. Woodlee.

Commissioner in Charge.

M O R 272

COPY.

Muskogee, Indian Territory, May 29, 1902.

Chester Howe, Attorney at Law,
623 F. Street, N. W.,
Washington, D. C.

Dear Sir:

You are hereby advised that on the 21st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caldonia Lee, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

(SIGNED)

I. E. McAdams

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, May 29, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as ~~Mississippi~~ ~~Cherokee~~ of the several persons included in the consolidated case of Caldonia Lee, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

(SIGNED).

E. D. Needles.

Commissioner in Charge.

M O R 272.

COPY.

Muskogee, Indian Territory, May 30, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws the several persons included in the consolidated case of Caldonia Lee, et al., of which decision you were advised by mail on the 21st day of April, 1902.

Yours truly,

(SIGNED)

T. P. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, December 1, 1902.

Caldonia Lee,

Roff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th ultimo, in which you state that you appeared before the Commission in June, 1900, as an applicant for identification as a Mississippi Choctaw, and since that time you have been unable to hear anything about your case.

In reply you are informed that the Commission, on April 15, 1902, rendered its decision refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, and on April 21, 1902, you were duly notified by registered mail of such action and of the forwarding of the record to the Secretary of the Interior for review.

On May 21, 1902, the Secretary of the Interior affirmed the decision of the Commission and on May 29, 1902, you were duly notified of such Departmental action.

The letters advising you of the decision of the Commission and the Secretary of the Interior were addressed to Davis, Indian Territory, the post office address given by you at the time you presented your application, and the same were returned by the

C.L. -----2.

pastmaster as unclaimed.

They have been this date remailed to you at your present
post office address, Roff, Indian Territory.

Respectfully,

Acting Chairman.

M C R 272
M C R 344

Muskogee, Indian Territory, March 23, 1904.

Bingham & Apple,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, asking that you be furnished with a copy of the testimony of Caldonia Lee and Ollie Lee, Mississippi Choctaw applicants.

In compliance with your request there are herewith enclosed copies of the testimony of the above named persons given at the time of the making of their application to this Commission for identification as Mississippi Choctaws.

Respectfully,

MoM 97

Commissioner in Charge.

MCR 272

Muskogee, Indian Territory, December 7, 1905.

H. V. Hinckley,

Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, requesting that this office have some person make a complete copy of all the papers in the Mississippi Choctaw case of Frances Caldonia Lee and forward bill for same to you together with such copy.

In reply you are informed that on May 21, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered April 15, 1902, refusing the application of Caldonia Lee, et al. for identification as Mississippi Choctaws, the record in said case having been forwarded to the Department on April 21, 1902.

You are further advised that in such cases where the decision of this office is adverse to the applicants and such decision is affirmed by the Department, the record is retained either in the office of the Secretary or of the Commissioner of Indian Affairs, Washington, D. C., and for this reason we are unable to furnish you the desired copy.

Respectfully,

Acting Commissioner.

M C R 272

Muskogee, Indian Territory, July 5, 1906.

James A. Cotner,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 23, 1906, enclosing motion for reopening the consolidated Mississippi Choctaw case of Caldonia Lee, et al. Said motion has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Caldonia Lee, et al., the record therein, together with the adverse decision of the Commission to the Five Civilized Tribes of April 15, 1902, was, on April 21, 1902, forwarded the Department for consideration.

May 21, 1902 (I T D 2960-1902), the Department affirmed the decision of said Commission refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Caldonia Lee, et al.

June 25, 1906, this office received from James A. Cotner, Attorney at Law, Ardmore, Indian Territory, a motion for reopening the above case in order that the applicants might have an opportunity to submit further testimony in support of their claim as Mississippi Choctaws. The motion is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

MAN 5/1

C O P Y

Y.P.

DEPARTMENT OF THE INTERIOR,
Washington. FHE.

I.T.D. 2960-1902.
20548-1906.

October 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review in the Mississippi Choctaw case of Caledonia Lee, et al., received with your letter of July 6, 1906, and Indian Office letter of October 11, 1906 (Land 57981), a copy of which is inclosed, in which case the Department, on May 21, 1902, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants.

The motion, not under oath, is not supported by affidavit of any of the applicants, and is, in fact, but the mere conclusions of the attorneys making it as to what testimony may be produced if a rehearing should be allowed. Motions for rehearings on the ground of newly discovered evidence are not allowed upon the unsupported affidavits of the applicants, and in this case no affidavit at all has been furnished. The motion is denied, and has been sent, with the other papers in the case, to the Indian Office for its files.

Through the Commissioner
of Indian Affairs.
1 inc. 4 to Ind. Of.

Respectfully,
E.A.HITCHCOCK,
Secretary.

COPY.

Land
25255-1902.
30376- " .
57981-1906.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of May 21, 1902, (I.T.D. 2960-1902), I have the honor to transmit herewith a motion for a reopening of the consolidated Mississippi Choctaw case of Caldonia Lee, et al., in order that the applicants might have an opportunity to submit further testimony in support of their claim as Mississippi Choctaws. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EBM-KEN.

M C R 272

COPY

Muskogee, Indian Territory, November 10, 1906.

Ledbetter & Bledsoe,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

There is herewith enclosed copy of departmental letter of October 30, 1906, denying the motion filed by your firm and James A. Cotner in this office June 25, 1906, for a rehearing and readjudication of the consolidated Mississippi Choctaw case of Caldonia Lee, et al.

Respectfully,

James A. Cotner,
Commissioner.

McM 10/1

M C R 272

COPY

Muskogee, Indian Territory, November 10, 1906.

James A. Cotner,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is herewith enclosed copy of Departmental letter
of October 30, 1906, denying the motion filed by Ledbetter & Bled-
soe and yourself in this office June 25, 1906, for a rehearing and
readjudication of the consolidated Mississippi Choctaw case of
Caldonia Lee, et al.

Respectfully,

Wm. B. Bledsoe

Commissioner.

McM 10/19

M C R 272

COP

Muskogee, Indian Territory, November 10, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed copy of Departmental letter of October 30, 1906, denying the motion of Ledbetter & Bladsøe and James A. Cotner, filed in this office June 25, 1906, for a rehearing and readjudication of the consolidated Mississippi Choctaw case of Caldonia Lee, et al.

Respectfully,

Edms. P. P. P.

Commissioner.

McM 10/2

Muskogee, Indian Territory, November 10, 1906.

Caldonia Lee,

Roff, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 26, 1906, by Ledbetter & Bledsoe and James A. Cotner, attorneys of Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Caldonia Lee, et al.

Respectfully,

S. C. *James D. Lee*
Commissioner.

COPY

Muskogee, Indian Territory, November 10, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the motion filed in this office June 25, 1906, by Ledbetter & Bledsoe and James A. Cotner, attorneys of Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Caldonia Lee, et al.

The following persons are applicants in the above named case:

Caldonia Lee,	Minnie Lee,
John Henry Lee,	Mary Lee,
Mattie Lee, Ollie Lee,	Elisha Lee,
James H. Lee.	

It does not appear that any proceedings are now pending in this consolidated case and none of the applicants are therefore entitled to designate prospective allotments.

Respectfully,

SIGNED *James H. Lee*

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

M C R 272

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 10, 1906.

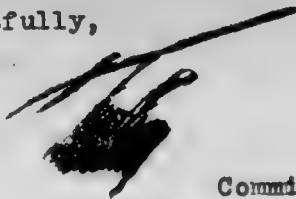
Ollie Lee,

Roff, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Ledbetter & Bledsoe and James A. Cotner, attorneys of Ardmore, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Caldonia Lee, et al., of which your application is a part.

Respectfully,



Commissioner.

MEMORANDA.

Name Caldonia Lee (381) Davis 9 JV
 Choctaw? Miss County NOT ON ROLL Year 1885 No.
 Chickasaw? NO County " Year 1896 Page
 Citizen by blood? yes (1/2) Mother's citizenship (U.S.)
 Intermarried citizen? no.

Married under what law?

License filed this day,

Wife's name Henry D. Lee
 Choctaw? no County U.S. Year " No. "
 Chickasaw? no County Citizen Year " Page "
 Citizen by blood? no Mother's citizenship "
 Intermarried citizen? no.

Married under what law?

License filed this day

Names of children:

(17) <u>Minnie</u>	County	Year	Page	No.
(15) <u>John Henry</u>	County	Year	Page	No.
(11) <u>Mary</u>	County	Year	Page	No.
(7) <u>Mattie</u>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION
 A MISSISSIPPI CHOCTAW.

L. C. Lee
Lee

Martin Blankenship
Emily

Father has 1/2 Choc. blood
Claims through father

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW, Q. 272
REFUSED.

Caladonia See et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

[Signature]
ACTING CHAIRMAN.

REFER TO M. C. R. *344*

34

61036	Indian Office.	1900
	Ind. No. 247	

E. B. Horton
Atty.

Caladonia Lee et al

vs.

Choctaw Nations

Miss. Choc.

Case No. P272

Original testimony and all papers filed in

this case forwarded Secretary of Interior,

Dec 3 1900

REFER TO M. C. N. 272

Caldonia Lee et al

Consolidated Case

George Nelson and
Wife China - full

Parents of
Harratt Nelson or Dixon
married called Boddy
Wardell Blankenship

Martini Blankenship $\frac{1}{2}$ or
married
Emily Foster
supposed dead

Caldonia Blankenship 38 $\frac{1}{2}$
married
Henry Avery Lee white

Ollie Lee 20, $\frac{1}{8}$,
married
James V. Lee
Minnie Lee 17
" John Henry Lee 15
" Mary Lee 11
" Mattie Lee 4

Elisha Lee 3
James Lee 4 mos



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
3. 1907

[Signature]
ACTING CHAIRMAN

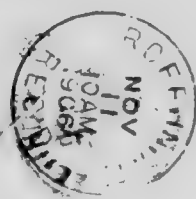


DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

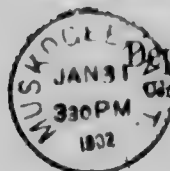
FILED
DEC 14 1906

[Signature]

Commissioner



R. 272



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

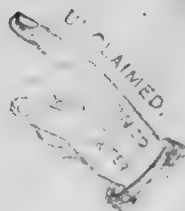
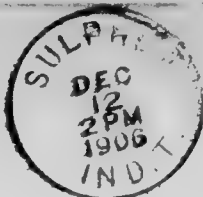
~~Galadina Lee,~~

~~D. A. T. S., Indian Territory.~~

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Ollie Lee,

Roff, Indian Territory.

272

REGIST

SEP 8

Muskogee, Ind. Ter.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED,
OCT 18 1900
DAVIS, L. I.

Caldonia Lee,

~~Davis,~~

Indian Territory

REGISTERED
OCT 18
DAVIS, L. I.

No 18
518
Muskogee



Choctaw MCR 273

Robert E. Donaho

MCR 273

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Robert H. Denaho, for identification as a Mississippi Choctaw, and he being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Robert H. Denaho.
Q You apply for identification as a Mississippi Choctaw? A Yes sir.
Q Do you apply for any one besides yourself? A Yes sir, one child.
Q What is the child's name? A Rufus Denaho.
Q What is your age? A Twenty-five (25).
Q Where do you live? A I live down at McGee; Maxwell is my Post-office.
Q In the Chickasaw Nation? A Yes sir.
Q ~~How long~~ How long have you lived in the Chickasaw Nation?
A Six (6) years.
Q Where did you live prior to coming to the Chickasaw Nation?
A Texas.
Q How long did you live in Texas? A Born and raised there.
Q Never lived in Mississippi? A No sir.
Q What is the name of your father? A Blackstone Bowie Denaho.
Q Is he living? A Yes sir.
Q Is he a white man or a Choctaw Indian? A Choctaw Indian.
Q What proportion of Choctaw blood does he claim to have? A One half.
Q What proportion of Choctaw blood do you claim to have? A One fourth.
Q Where does your father live? A There with me.
Q How long has he lived there? A Six years.
Q Has his residence during your life time been the same as yours?
A Yes sir.
Q What is the name of your mother? A Mahala Denaho.
Q Is she a white woman? A Yes sir. Q Is she living? A Yes sir.
Q Did the name of your father ever appear on any of the Choctaw tribal rolls? A No sir, I think not.
Q Was he ever recognized by any of the Choctaw Authorities as a citizen?
A Not that I knew of.
Q Does your name appear on any of the Choctaw tribal rolls?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.
Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation?
A No sir.
Q You have never been recognized by the Choctaw tribal authorities as a citizen of that Nation? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Mary Denaho.
Q Is she a white woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children? A One child.
Q What is its name? A William Rufus Denaho.
Q You make application for him? A Yes sir.
Q Is the foundation of his claim the same as yours? A Yes sir.
Q Is he living with you? A Yes sir.
Q Has he always lived with you? A Yes sir.
Q Where were you married to your wife? A Dellburg, in the Chickasaw Nation.
Q Were you married under the United States law? A Yes sir.
Q Do you desire to ~~offer~~ offer in evidence at this time your marriage license and certificate? A No sir.
Q Under what treaty do you claim as a Mississippi Choctaw?
A I do not claim under any certain treaty.
Q All of them? A Yes sir.
Q You do not base your claim upon any particular article of any particular treaty? A No sir.

Q Do you make any claim under the nineteenth article of the treaty of 1830? A Yes sir; I guess so.
Q Do you specifically base your claim on that article? A No sir.
Q Do you base your claim specifically on the fourteenth article of the treaty of 1830? A No sir.
Q Did you ever take advantage of the provisions of that article?
A No sir.
Q Did any of your ancestors ever take advantage of the provisions of that article? A No sir.
Q Did you ever receive any land as beneficiary under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?
A No sir.
Q Did any of your ancestors ever claim or receive land under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, not that I knew of.
Q Do you think it likely that you would have heard of it if they had?
A I never heard of it.
Q Is there any additional statement in regard to your case that you desire to make at the present time? A No sir.
Q What is the age of your child? A Three months old. I claim the judgment in the United States Court for the Southern District of the Indian Territory in the case of J. E. & K. C. Parks et al versus the Choctaw Nation as evidence in my case.
Q Does your name appear in that judgment as having been admitted to citizenship in the Choctaw Nation? A Not that I knew of.
Q Was your name included in the original application in that Parks case; in the original application to the Dawes Commission?
A No sir, not that I knew of.
Q You do not then make any claim under the judgment; just claim it as evidence? A Yes sir.
Q Do you desire to submit at this time as evidence in your case a certified copy of that judgment? A No sir.

Citizenship Docket "C"; applications for citizenship in the Choctaw Nation, filed with the Commission to the Five Civilized Tribes in the year 1896 examined, and on Page 292, case No. 552, appears a record of the case of J. E. & K. C. Parks et al versus the Choctaw Nation, filed September 5th, 1896; answer filed and application denied December 2nd, 1896. Case appealed to the United States Court for the Southern District of the Indian Territory and by a judgment in that Court thirty-five persons were admitted to citizenship into the Choctaw Nation; the name of the applicant and that of his minor son, William Rufus Donaho do not appear among the list of persons admitted to citizenship by said judgment of the United States Court.

Q What relation do you bear to either K. C. or J. E. Parks?
A Second cousins.
Q By reason of this relation to the Parks, you desire that this judgment be considered as evidence in your case? A Yes sir.
Q Have you any papers you desire to file at this time? A No sir.

Any papers which you may file with this Commission in connection with your application, at any later date will not be considered by the Commission in deciding your case, but any such papers which you may desire to file will be forwarded by the Commission to the honorable Secretary of the Interior, for his consideration, in connection with other papers in your case, when the rolls of Choctaw citizens are forwarded him for approval.

A copy of the decision of the Commission in your case, in writing, will be furnished you at a later date and forwarded to you at

-3-

your present Post-office address.

R. R. Gravens, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Gravens

Sworn to and subscribed before me this 16 day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert E. Donaho for identification of himself and on behalf of his minor child as Mississippi Choctaws.

The applicant, Robert E. Donaho, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in his own behalf and on behalf of his minor child for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearances before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Robert H. Donaho, on his own behalf and on behalf of his minor child, William R., is hereby refused.

BY THE COMMISSIONER


Acting Chairman

Muskogee, Indian Territory, October 10, 1900.

Muskogee, Indian Territory, January 31, 1902.

Robert E. Donaho,

Maxwell, Indian Territory.

Dear Sir:

In the matter of your application for the identification as Mississippi Choctaws of yourself and minor child, you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 273

Acting Chairman.

Muskogee, Indian Territory, January 15, 1903.

Robert E. Donaho,

Dolberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you ask to be advised of the present status of your case.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and your minor child as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to the right of yourself and child to such identification, but is now considering your application and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 19, 1903.

Robert E. Donaho,

Maxwell, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clampitt, et al.,	M.C.R. 614
Thomas T. Donoho	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searcy, et al.,	M.C.R. 4611
Hollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Euley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clare Lilly Clampitt, Thomas T. Donaho, Blacksons B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lissie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Hannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. E. [Signature]

Registered.

Commissioner in Charge

M.C.R. 273.

COPY

Muskogee, Indian Territory, July 30, 1903.

Robert E. Donaho,

Maxwell, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Chickasaw MEMORANDA.

Name Robert E. Donaldson Matruell, Jr. (Date) 1899.

Choctaw? Yes County not in field Year 1882 No.

Chickasaw? Yes County " Year 1886 Page

Citizen by blood? Yes Mother's citizenship (U.S. citizen)

Intermarried citizen? No

Married under what law?

License filed this day,

Wife's name, Mary Donaldson

Choctaw? Yes County " Year 90 No.

Chickasaw? Yes County " Year 90 Page

Citizen by blood? Yes Mother's citizenship

Intermarried citizen? No

Married under what law?

License filed this day

Names of children:

William R.

County " Year " Page " No. "

County " Year " Page " No. "

County " Year " Page " No. "

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County " Year " Page " No. "

(Father) - Thomas Matruell, Jr.

(Mother) - Matruell Donaldson

Both living

Claimed by father

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

M. C. R. # 273.

Evidence:
"William Rufus"

Robert E. Donaho et al
vs.
Choctaw Nation

Miss Choc Case No. R 273

Original testimony and all papers filed in
this case forwarded Secretary of Interior.

Dec 3 1891

Judgment:

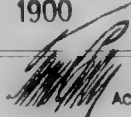
"William R."

D. M. M. C. R. # 273,

3273
REFUSED

Robert E. Donahoe et al

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
SEP 5 1900



ACTING CHAIRMAN.

REFER TO M. C. R.

34

61036	Indian Office. Incl. No 249	1900
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DECISION PREPARED

1902

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1903

AT THE CONSTITUTIONAL CONVENTION
HOLDING AT THE EMBASSY FOR CIRCUIT
AND CHIEF JUSTICE.

7:34 4. 1000

542 M.C.B. 271

273

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

AUG 18 1903

[Handwritten signature]

CHAIRMAN

General Office MCR

Notice that Sec. of the Interior has affirmed
Commissioner's decision

MCR

Robert E. Donaho,

~~Maxwell~~, Indian Territory.

Department of the Interior
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Returned
to Writer

Choctaw MCR 274

Mary J. Karr

MCR 274

See MCR 276, 277, 278, 279, 280, 281,
283, 284, 336, 358, 758

Mary J. Karr et al.
REFUSED *file in box 8*

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARD ATTORNEYS

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARD ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

276, 277, 278, 279, 280

281, 283, 284, 336,

358, & 758.

*Refer to address of principal applicant in Manual 1.2
File in 9 PO Box*

7116 1221

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 18, 1900.

In the matter of the application of Mary J. Karr for the enrollment of herself and two children as Mississippi Choctaws: being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q What is your name? A Mary J. Karr.
- Q How old are you? A I am 55.
- Q What is your post office address? A Manville, I. T.
- Q How long have you lived in the Indian Territory? A 12 years..
- Q Where did you live before coming to the Territory? A In Texas.
- Q How long did you live in Texas? A Ever since I can remember.
- Q Were you born in Texas? A No, sir, I was born in Georgia.
- Q How old were you when you left Georgia? A I can't remember when I left there.
- Q Before you left Georgia and came direct to Texas, did you ever live in Mississippi? A No, sir.
- Q What is your father's name? A Thomas Self.
- Q Is he living? A No, sir.
- Q Was he a Choctaw Indian or a white man? A He was a white man.
- Q What was your mother's name? A My mother was named Mary Bridges, her maiden name.
- Q Is she living? A No, sir.
- Q Was she a Choctaw Indian? A My grandmother was a full blood Choctaw.
- Q And your mother claimed to be a Choctaw? A My mother is the same blood as I claim and my grandmother is where I get my blood.
- Q Would you say your mother was a half blood? A Yes, sir.
- Q Your mother's father was a white man? A Yes, sir.
- Q Was her name ever on the Choctaw tribal rolls? A I don't know whether it was or not.
- Q Was she ever recognized by the tribal authorities as a Choctaw Indian? A I don't know.
- Q What proportion of Choctaw blood do you claim to have in your veins? A I claim to have 1/4.
- Q Has your name ever been upon the Choctaw tribal rolls? A No, sir.
- Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
- Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
- Q Did you apply to the Dawes Commission in the year 1896? A No, sir.
- Q Is this your first application? A Yes, sir.
- Q When did you first discover you were a Mississippi Choctaw? A I have known it ever since I can remember for my mother always told me.
- Q Under which treaty do you claim identification as a Mississippi Choctaw? A I claim all the treaties that will help the Mississippi Choctaw Indians by blood in their rights.
- Q Do you base your claim upon any particular article of any one treaty? A No, sir, I don't think that I do.
- Q Do you claim under all the treaties? A Yes, sir, I claim under all the treaties that upholds the Mississippi Choctaws by blood in their rights.
- Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
- Q Did any of your ancestors? A No, sir.
- Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.
- Q Did any of your ancestors? A No, sir.
- Q What are the names of your children and their ages, those that are under 21? A Eller is 15, Della is 13.
- Q What was the name of the father of these children? A Anthony

Mary J. Karr - 2.

Karr.

Q Is he living or dead? A He is dead.

Q Is there anything else you would like to state to the Commission in regard to your case at this time? A No, sir.

Q You can make any statement you want to about your blood or claim?

A I don't want to make any.

Q Have you any papers to file? A I have papers, but I will file them later on.

Q They will be forwarded for the consideration of the Secretary. Do you know of your own knowledge whether your grandmother ever took advantage of the provisions of article 14 of the treaty of 1830?

A No, sir.

The Commission is unable from the evidence in this case to identify you or your children as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28, 1898. The decision of the Commission stating more fully its reasons for arriving at this conclusion will be furnished you in writing and mailed to your present post office address.

If you desire to file any additional papers for the consideration of the Secretary of the Interior, you will be permitted to do so and these papers in connection with this testimony will be transmitted to the Honorable Secretary of the Interior for his consideration.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 28th day of June, 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary J. Karr for identification of herself and two minor children as Mississippi Choctaws.

The applicant, Mary J. Karr, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900. From her oral testimony given at that time in behalf of her own claim for identification as a Mississippi Choctaw and a claim that she makes for her two minor children as Mississippi Choctaws.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or even admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the act of Congress approved June 28th, 1896, (Cherokee Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the

following provisions: -

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior. Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotments. Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Mary J. Karr, on her own behalf and on behalf of her two minor children, Elmer and Della Karr, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory, September 5th, 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for identification as Mississippi Choctaws of Mary J. Karr, et al., consolidating the cases of

Mary J. Karr, et al.,	M.C.R.	274,
Lou Shears, et al.,	"	276,
Henry T. Self, et al.,	"	277,
Henry H. Hopkins, et al.,	"	278,
Sally Towry,	"	279,
Edward A. Karr, et al.,	"	280,
Nancy Ridens,	"	281,
Thomas S. Karr, et al.,	"	283,
Henry W. Karr, et al.,	"	284,
Walter T. Karr, et al.,	"	336,
John W. Karr, et al.,	"	358,

All of the applicants herein claim Mississippi Choctaw descent from Nancy Travick, an alleged "Choctaw Indian by blood" who was the mother of Mary Bridges, an alleged one-half blood Choctaw who was the wife of J. M. or Thomas Self, a white man. Mary Self, nee Bridges was the mother of Henry T. Self, Mary J. Karr, nee Self, and Rebecca Karr, nee Self.

The following descendants of the common ancestor, Nancy Travick, appear of record as applicants for identification as Mississippi Choctaws:

Henry T. Self and his children	(John Self (James Self ((Lou Shears, nee Hopkins, (and her child (John Shears ((Henry H. Hopkins (and his children (Lillie D. Hopkins (Claude Hopkins ((Walter T. Karr (and his child (Lewis C. Karr ((John W. Karr ((Nancy Ridens, nee Karr, ((Sally Towry, nee Karr, ((Eller Karr ((Della Karr
Mary J. Karr, nee Self, her children and grandchildren.	

(2)

(Edward A. Karr
(
(Henry W. Karr
(and his children
Children and grandchildren of (Bessie Lee Karr
Rebecca Karr, nee Self, de- (Carrie Karr
ceased.
(
(Thomas S. Karr
(
(Lee Karr
(
(Dora Karr

Applicants for identification as intermarried Mississippi Choctaws:

M.C.R. 276, J. W. Shears, husband of Lou Shears,
M.C.R. 278, Etta Hopkins, wife of Henry H. Hopkins,
M.C.R. 280, Belle Karr, wife of Edward A. Karr,
M.C.R. 281, Frank Ridens, husband of Nancy Ridens,
M.C.R. 284, Mary Karr, wife of Henry W. Karr,
M.C.R. 336, Hulda Jane Karr, wife of Walter T. Karr,
M.C.R. 358, Emma Karr, wife of John W. Karr.

With respect to these cases the proof shows that the applicants are white persons and not possessed of Choctaw Indian blood.

The proof submitted in these cases is the unsupported oral testimony of the applicants.

Henry T. Self, Mary J. Karr, nee Self, principal applicants in cases M. C. R. 277 and 274, testify orally that they were born in the state of Georgia and moved from that state to the state of Texas and resided in that state until their removal to the Indian Territory, and that they are now residents of the Chickasaw Nation, Indian Territory, and have been for twelve years past.

Applicants on oral examination do not trace their descent beyond their mother, Mary Self, nee Bridges. There is, however, filed as a part of the record in case M.C.R. 283, the sworn petition of William B. Karr, husband of Rebecca Karr, nee Self, deceased, alleging that Mary Self, nee Bridges, is the daughter of one Nancy Traviok, an alleged "Choctaw Indian by blood."

There is no evidence before the Commission tending to show that applicants are descendants of Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama and were recognized members of the Choctaw tribe of Indians at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, September 27, 1830. Nor is there any proof before the Commission, either oral or documentary, tending to show any act of compliance on the part of ancestors of applicants with any of the provisions of article fourteen of said treaty of 1830.

NOTE TO EXAMINER:

There is a conflict in the testimony as to the name of the husband of Mary Self, nee Bridges. In cases M. C. R. 274, Mary J. Karr, et al., and M. C. R. 277, Henry T. Self, et al., the name is given as Thomas Self. In cases M. C. R. 283, wherein

(3)

William B. Karr applies for the identification as Mississippi Choctaws of his three minor children, the name is given as J. M. Self.

In case M.C.R. 274, Mary J. Karr et al., this applicant testifies that the name of her husband was Anthony Karr, deceased. No mention being made of the applicant having been married twice.

In cases M.C.R. 276, Lou Shears et al., and M.C.R. 278, Henry H. Hopkins et al., the principal applicants in these cases testify that they are children of Mary J. Karr, and that their father's name was Henry Hopkins. In that testimony there is also no statement made as to their mother Mary J. Karr having been twice married.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 10, 1902.

In the matter of the consolidated case of Mary J. Karr et al., applicants for identification as Mississippi Choctaws, embracing the cases of

Lou Shears et al.,	M.C.R. 276
Henry T. Self et al.,	M.C.R. 277
Henry H. Hopkins et al.,	M.C.R. 278
Sallie Towry	M.C.R. 279
Edward B. Karr et al.,	M.C.R. 280
Nancy Ridens	M.C.R. 281
Thomas S. Karr et al.,	M.C.R. 283
Henry W. Karr et al.,	M.C.R. 284
Walter Karr et al.,	M.C.R. 336
John W. Karr et al.,	M.C.R. 358

In accordance with the letter of the Commissioner of Indian Affairs of July 30, 1901 and January 27, 1902, remanding to this Commission for further hearing the cases of Mary J. Karr et al., Edward B. Karr et al., Henry W. Karr et al., Henry T. Self et al., and Sallie Towry, these cases have been combined with the cases of Lou Shears et al., Thomas S. Karr et al., Henry H. Hopkins et al., Nancy Ridens, Walter Karr et al. and John W. Karr et al., claiming descent from the same common ancestor, Nancy Travick, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the several applicants herein (except applicants Walter W. Karr et al. and John W. Karr et al.), their attorneys and the attorneys for the Choctaw and Chickasaw Nations January 20, 1902.

In the cases M.C.R. 336 Walter Karr et al. and M.C.R. 358 John W. Karr et al., the records of the Commission show that the applicants in these cases claim descent from the same common ancestor, Nancy Travick, and the cases of these applicants have been combined with the other applications herein since the date of the notices of this re-hearing.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 10, 1902, at one o'clock P. M., the cases of the several applicants herein being set for re-hearing this day and date and said cases being called, the following proceedings were had:

Appearances: J.G. Ralls, attorney for all the applicants herein.
Mary J. Karr, applicant.

(J.G. Ralls, attorney, moves that the cases of the several applicants herein be continued until Tuesday, March 11, 1902, at one o'clock P.M., on account of his being engaged in other cases before the Commission at this time. Motion granted.)

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, Tuesday, March 11, 1902, at one o'clock P.M., the cases of the several applicants herein being continued to this day and date and said cases being called, the following proceedings were had:

Mary J. Karr being sworn testified as follows:

(examination by the Commission).

Q What is your name? A Mary J. Karr.

Q What is your post office address? A My post office address now is Maxwell, Indian Territory, and when I was before the Commission before my post office address was Mannville and I have moved since.

Q What is your age? A I was born in '44.

Q Are you the identical Mary J. Karr who appeared before this Commission at Colbert, Indian Territory, on June 18, 1900, and there made application for the identification of yourself and your minor children, Eller Karr and Della Karr? A Yes sir.

Q At the time you made that application you claimed under the fourteenth article of the treaty between the United States Government and the Choctaw tribe of Indians concluded September 27, 1830, did you? A I claimed under the law that protected the Mississippi Choctaws in their rights and privileges.

Q Did you understand at the time you were making that application that you were claiming under any particular article of any particular treaty? A No sir, I just claimed under those that protected us in our rights and our privileges.

Q Well, what did you think protected you? A Well, until the grades of the blood was declared I didn't have any right; when that was declared it was a right that give me one, by the Curtis Bill.

Q You understood the Curtis Bill gave you a right to make a claim? A Yes sir.

Q The authority vested in the Commission to hear the applications of people claiming rights in the Choctaw lands, Indian Territory, as Mississippi Choctaws, is found in Section 21 of the Act of June 28, 1898; it is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The treaty of 1830 was concluded between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied in Mississippi and Alabama to the new country West of the Mississippi River. At the time the treaty was made some of the Choctaws didn't want to move to this country but wanted to remain in the old Choctaw Nation and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head

of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the ~~privilege of a Choctaw citizen~~, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation and take lands from the Government under its provisions that he should within six months from the date of the ratification of the treaty by Congress,-- and Congress ratified the treaty on the 24th day of February, 1831,-- go before the Government agent there in Mississippi and signify his intention-- that is, let him know in some way, that they wanted to remain and take lands under this article. After having done this, that he was entitled as a head of a family to one section of land to be bounded by sectional lines of survey, and for each child over ten years of age living with him he was to be entitled to one half section or 320 acres of land, and for each child under ten years of age he was entitled to a quarter section of land or 160 acres; the reservations of the children to adjoin the reservations of the parent; and these reservations to include or embrace the improvements of the head of the family at the time of the making of this treaty. That article also required after he had received these lands he should reside upon these lands for five years after which time the Government would give him a title in fee simple or patent to it. The last clause of this article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that if a Choctaw who remained in Mississippi or Alabama went before the agent and told him he wanted to comply with this article and receive lands under it and resided upon it for five years, he didn't forfeit his right to Citizenship in the Choctaw Nation in Indian Territory, but he did forfeit his right to the annuities or yearly payments of money. Now that's the article under which the Curtis Bill empowers the Commission to hear applications for identification as Mississippi Choctaws.

Q Do you understand that? A Well, I am not very well educated. My understand is that if they took land there they would not draw any annuities here; if they lived there they wouldn't get land here. I never got a nickle here.

Q Your understanding is not correct, Mrs. Karr. The Choctaws who remained there and fully complied with all the provisions of the article didn't forfeit his right to citizenship in the Territory. The last clause of the article is this: "if he ever removed he should not lose the privilege of Choctaw citizenship". Now, what is the name

of your ancestor, Mrs. Karr, who lived in the old Choctaw nation in Mississippi in 1830? A My mother was a Grigsby and mother has always told me that my grandmother was Nancy Travick, and that she was born in Mississippi.

Q How much Choctaw blood did Nancy Travick possess? A My mother told me that she was a full blood Choctaw.

Q How much Choctaw blood do you possess? A My mother always told me I was a quarter.

Q What is the name of your mother? A Was Mary Bridges and she married a man by the name of Thomas Self.

Q Whom did Nancy--no, Mary Bridges, get her Choctaw blood from? A Nancy Travick.

Q Did you ever know your grandmother, Nancy Travick? A I never did see her in my life.

Q Is your mother living? A No sir.

Q How old would she be if she was living now? A Well, she was 61 year old when she died, and she has been dead about 21 years next July 15.

Q She would be about 81 or 82 years of age if she were living now? A Yes sir.

Q Was your grandmother, Nancy Travick, a recognized member of the Choctaw tribe of Indians and did she live in the old Choctaw Nation in 1830 at the time this treaty was made? A My mother always told me my grandmother lived there and told her that when my mother was fourteen years old my father stole her and took her to Georgia and she never lived in Mississippi after.

Q Do you know whether your grandmother, Nancy Travick, moved from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Indian Territory? A No sir, I don't know.

Q Do you know where she died? A No sir, for it is just like I told you--my father took her away to Georgia and afterwards to Texas.

Q Did you say that your grandmother was born in Mississippi?

A Yes sir; in Pontotoc County Mississippi; that's what my mother told me.

Q Do you know what part of the State of Mississippi Pontotoc is in? A No sir, I don't.

Q Do you know that what was then considered as Pontotoc County, Mississippi was a part of the Choctaw nation in Mississippi at that time? A No sir.

Q Do you know that it was a part of the Chickasaw nation at that time? A No sir; my mother always told me her mother was a Choctaw.

Q Did your grandmother, Nancy Travick ever receive lands from the United States Government as a Choctaw Indian? A Not that I know of.

Q Did she ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 which I have just read to you?

A I don't know; but if she ever got any thing it looks like the record would show.

Q Have you ever seen or do you know of any records in the family that would show that your grandmother ever received any land from the Government under the provisions of this article fourteen? A No sir; if she did I didn't know anything about it.

In accordance with the provisions of this fourteenth arti-

cle the Government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all those Choctaws who wanted to remain in the old Choctaw nation and become citizens of the States and wanted to take lands; the records of the Government failed to show the names of all who went before the agent and on this account the lands upon which the Choctaw Indians had improvements were sold by the Government at Public Land Sale; this caused many complaints and these complaints finally reached Congress and Congress under various acts appointed Commissions to go into Mississippi and investigate these claims. These Commissions investigated many claims and allowed some and rejected others: of the claims allowed, if the lands which the Indians claimed and upon which they had improvements had not been taken from them they were allowed to have them; but if the lands had been taken away by the Government and sold and the Choctaws appeared before these Commissions and established their claims under this article to lands they were given scrip in lieu of the lands which had been sold and under this scrip the Choctaws could locate on vacant lands in Mississippi, Alabama, Louisiana or Arkansas.

Q Do you know whether this grandmother of yours, Nancy Travick, ever appeared before any of these Commissions and attempted to establish claim to lands? A No sir, I don't know.

Q Do you know whether any scrip was issued to Nancy Travick?

A If there was I don't know anything about it.

Q Do you know whether Nancy Travick ever owned land in any of those four States? A No sir, I don't know.

Q Is it a family history or tradition of yours that Nancy Travick ever received any benefits as a Choctaw Indian? A No sir; she never received anything; as I told you my mother left there and she never knew what was done, what we got back there and nothing; or course I never lived there and don't know nothin about it.

Q Were you married more than once? A Yes sir.

Q What was the name of your first husband? A Henry Harrison Hopkins.

Q He is dead? A Yes sir.

Q What is the name of your second husband? A Anthony C. Karr.

Q Is he living? A Yes sir.

Q Will you give the names of your oldest children-- A There is Mary Alice Hopkins; she married J.D. Ross.

Q Has she any children? A Yes, three.

Q Give their names? A James Oscar, Thomas Edgar and Jewel Menter.

Q Is that a boy or girl? A Its a girl.

Q Was this family ever been before the Commission for identification? A Yes, my daughter came before the Commission right here at Muskogee.

Q When? A I don't know.

(Note: Reference is made to M.C.R. 758 Mary A. Ross et al.)

Q Now your next child. A Lou Hopkins; whose husband is J.W. Shears

Q Has she any children? A One.

Q What is the name of that child? A Johnnie.

Q The next child of yours? A Well, then now comes H.H.Hopkins or Henry H. Hopkins.

Q He is married? A Yes sir.

Q What is his wife's name? A Marietta.

Q Is she a white woman? A Yes sir.

Q How many children have they? A Three.

Q Give me their names. A One of them is named Lillie and the other is named Claude and the other is Jesse.

Q Was Jesse born after they went before the Commission? A Yes sir.

Q Is Jesse a boy? A Yes sir.

Q Now the next child of yours? A Now comes is my Karr children; W.T. Karr.

Q Is he married? A Yes sir.

Q What is his wife's name? A Hulda Jane.

Q Is she a white woman? A Yes sir.

Q Have they any children? A They have one. Lewis Calvin.

Q Now the next child of yours? A J.W.Karr.

Q Is he married? A Yes he is married.

Q What is the name of his wife? A Emma.

Q Living? A Yes sir.

Q Have they any children? A Yes one, William Burton.

Q That child born since they were before the Commission? A Yes sir

Q The next child of yours? A Nancy Ridens; her name was Karr and she married Ridens.

Q Have they any children? A One.

Q What is the name? A Cora.

Q That child was born since they were before the Commission also?

A Yes sir.

Q What is the name of your next oldest child? A Sallie Towry.

Q Has she any children? A She had one but it died the 2nd January.

Q Now the next child of yours? A Elmer Karr.

Q And the next? A Della.

Q That's all of your immediate family? A Yes sir.

Q Of your children and grandchildren? A Yes sir.

Q Is Frank Ridens, the husband of Nancy Ridens, is he a white man?

A Yes sir.

Q Give the names of your brothers and sisters. A Those that are living?

Q Yes, give those that are living, first. A H.T.Self is my brother.

Q Is he married? A He has been married but his wife is dead; he has two children.

Q Give the name of the oldest. The oldest one is named John Self the best I know; and the other is James.

Q Have you any other brothers or sisters living? A Yes, Alice Thomas; she is my sister.

Q Has she a family? A Yes sir.

Q Has she or any of her family been before the Commission? A Not that I know.

Q What is the name of her husband? A George Thomas.

Q Where do they live? A In Texas.

Q Do you know their post office address? A I think it is Birth-right post office

Q Have they any children? A Yes, they have several, but I don't know how many they have got; I know the names of some of them; one is named William and the other named Lonnie---

Q Is that all you recollect? A No, one is named Robert and another Ruby; that's as far as I know.

Q Have you any other brothers and sisters living? A Yes, I have another sister living near Birthright Texas; her name's Sarah Cates; her husband is Samuel Cates.

Q Have they a family? A Yes sir.

Q Do you know the names of any of their children? A She has been married twice.

Q What was her first husband's name? A Robert Hargreaves. Her one child by her first husband is named Thomas Hargreaves; the next one is Rhoda Cates.

Q Is she married? A No sir.

Q The next one after Rhoda-- A Mary Cates; she is married and has one heir.

Q Do you know the name of her husband? A His name is Chris Small.

Q They have one child? A Yes, but I don't know what the child's name is.

Q What other children after Mary? A None.

Q Is that all the living immediate members of your family? A All that I know anything about.

Q Well, give the names of your deceased brothers and sisters?

A Well, I have one brother dead by the name of William Self. Wm. James.

Q What is the name of his wife? A I don't know.

Q Did he leave a family? A No sir; they never had any children and they both died about three weeks apart.

Q Any others of your family? A Yes sir; there's Nancy Hackler.

Q She was a full sister of yours was she? A Yes sir.

Q What is her husband's name? A Reuben Hackler.

Q Did they leave a family? A They had three children; the oldest one was named Bennis-- one named Lula---

Q Was Lula Married? A I don't know.

Q The next child? A Reuben, named after his father.

Q Now the next member of your family? A Well, I have another sister; I don't know whether she is dead or living; her name was Frances she married a man by the name of Collins.

Q Did she have a family? A Two children; Elijah is one of them, but they just called the little girl Dollie and I don't know where they are.

Q Do you know whether any of the family of these people have ever been before the Commission or not? A None except my own children.

Q Your own family? A That's all.

Q Did you have a sister named Rebecca? A Yes; her heirs came in.

Q Whom did she marry? A A man by the name of W.D. Karr.

Q Do you know the names of their children? A Yes; E.A. Karr is one; Henry Karr another, Thomas Karr another and Lee Karr is another. And the daughter, a girl, but I don't remember the name.

Q Any of them married? A Yes, the two oldest boys is married.

Q Have they any children? A Henry Karr had one child I think.

Q Do you know the name of that child? A No sir.

Q He has been before the Commission? A Yes sir.

Q At the time he applied for two children. A Yes sir; but one of them died; I won't be positive but I think it was the youngest.

Q Now all these people you have testified about get their Choctaw blood through the same source as you do? A Yes sir.

Q All blood relations of yours? A Yes sir.

Q All derive their Choctaw blood from Nancy Travick? A Yes sir.

Q Do you desire the application of your daughter, Mary A. Ross to be considered with your case? A Yes sir.
Q Is there any other statement you want to make now, Mrs. Karr?
A No sir.
Q Do you speak or understand the Choctaw language? A No sir; I never was taught the language.

The applicant has brown hair, slightly mixed with gray, medium fair complexion, grayish brown eyes; features and appearance of a person of white parentage. She does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Examination by J.D. Ralls, attorney for applicant

Q Do you remember the personal appearance of your mother? A Yes sir.
Q As to whether or not from her appearance she indicated that she had Indian blood in her veins? A Yes; my mother's skin was dark, and her hair was long and dark and she had dark eyes.
Q She claimed to be how much Indian? A She claimed to be one half.
Q Did she tell you about her going away from Mississippi when she was young and marrying a fellow? A Yes sir.
Q Did she tell you where she left her people when she left? A No sir, she didn't positively tell me but I suppose that she left them in the old country.
Q I believe that you stated that she told you that her mother was a full blood? A Yes sir.
Q Do you know Mrs. Henry-- that is sitting here in this room?
A Yes, I have been acquainted with her for a good while.
Q I believe that's all.

Examination by the Commission:

Q Did your mother speak or understand the Choctaw language? A No sir, she could say a good many words but I have heard her sing two or three songs.
Q All you know about your mother being Choctaw Indian is what she told you about it? A Yes, my father took me away, and I never got to see her much.
Q And you are sure it was Choctaw Indian and not Chickasaw? A No sir, it wasn't Chickasaw.

J.D. Ross being sworn testified as follows:

Examination by the Commission:

Q What is your full name? A J.D. Ross.
Q How old are you? A Born in '61.
Q What is your post office address? A At the present time it is Maxwell, Indian Territory.
Q What is your vocation? A My business?

Q Yes. A Formerly? I am a farmer.
Q Do you make any claim to Choctaw blood? A No sir.
Q Are you in any way related to any of the applicants in this case?
A By marriage.
Q What relationship exists? A I married this lady's daughter, Mary Alice Ross.

Examination by J.C.R. Iles, attorney for applicants.

Q Are you acquainted with the witness who has just been on the witness stand? A Yes sir.
Q Where did you first get acquainted with her? A When I was quite a young boy, about five years old I suppose.
Q Did you know her mother? A Yes sir.
Q Do you remember the personal appearance of her mother? A Yes, I knew her from the time I first got acquainted with her until her death.
Q State what nationality she appeared to be of as indicated by her appearance. A Well, she was very dark and high cheek bones showed to be an Indian.
Q About how much Indian did she appear to be? A She showed something like a half Indian.
Q And what did the other appear to be? A Well I can't say what-- it might have been Dutch, she was pretty low down.
Q It was white, though? A Yes sir.
Q Did you know her husband? A Yes sir.
Q What nationality was he? A Uh, Irish, full blood I suppose.
Q Are you acquainted with any of the sisters of Mrs. Farr? A All but one.
Q Did any of them show the Indian blood? A Yes sir.
Q Do you remember which ones? A Cate's wife that she spoke of and Farr's wife and this lady as well as I remember the oldest and Henry Self shows it.
Q You heard Mrs. Farr testify? As to your wife and children?
A Yes sir.
Q She has that correct has she? A Yes sir.
Q Do you know Mrs. Henry there? A Well, I met her on this trip.
Q How would these sisters of Mrs. Farr in complexion compare with Mrs. Henry? A Well, these two ladies I know are not as dark as this lady, quite, but they have very long black hair, and they are not quite as dark but are dark skinned.
Q Did you ever talk to Mrs. Farr about her people? A Well, no sir. I never did make any talk with her.

Lizzie Henry being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lizzie Henry.
Q How old are you? A Forth three.
Q What is your post office address? A Ardmore.

Q Do you make any claim to having Choctaw Indian blood? A Yes, I am a half I suppose.

Q Half Choctaw? A Yes sir.

Q Are you a recognized citizen of the Choctaw nation in the Indian Territory? A Well, I suppose I am I don't know.

Q Have you ever made application for enrollment as a citizen of the Choctaw nation? A Yes, I have been before them lots of times-- at Durant and Thackeraville about seven years ago, and two years ago at Durant.

Q What kind of an application did you make at those times? A Well, I am a witness now.

Q Well, I want to know whether you are a citizen of the Choctaw Nation or not? A Well, I just told them what I know about my people uncle Jack Holden and--

Q Did you make application to this Commission? A I don't know; it was the one at Durant and Thackeraville.

Q Did you ever hear what became of that application? A No sir.

Q Did you make application under the name of Lizzie Henry? A No sir Fulson was my surname then, but my maiden name was ~~Henry~~ Holden; my father's name was Thomas Holcen.

Q You say you applied at Durant; do you know what year that was?

A I don't know; its been about seven years ago.

Q What was your name at that time? A Lizzie Fulson; I married since Henry.

(Note: the witness is identified as Lizzie Fulson on Choctaw card, Field No. R. 140).

Examination by the attorney for applicants,
J.G. Falls.

Q You are acquainted with Mrs. Kerr, are you? A Well, I have been slightly acquainted with her for two years.

Q Did you know either her mother or any of her kin? A No sir.

Q Did you know any of her sisters? A No sir; I lived on Simon and there there was a lady by the name of Tucker, she said her mother now, was Nancy Travick, and which this woman inquired for her grandmother as named Nancy Travick; I have known this woman four years and she inquired from everybody if they knew of such a woman from Portotoc Mississipp; well, I didnt know anything about it of course but I say I was told; I meets up with this lady in Ardmore claiming the same woman as grandma and I told her about this woman and as she had often told me and said that the man sold her sister and run off with her and she claimed to be a half breed Choctaw woman and of course when I told her about this other woman inquiring and not knowing where this Mrs. Tucker was- she had moved up somewheres about twenty miles above where she did live- I never did locate her post-office; she thought it would be a help if I would come and tell about these people inquiring for one another, that it would prove with her evidence what she wanted with her grandmother. I didn't personally know either of them and which I thought myself and I can't deny to say whether it was or wasn't but at the same time not knowing, Judge, it looked to me like they might have been sisters and then Mrs. Tucker might have been this woman's name.

- Q What was your mother's maiden name? A Cornall, a German.
Q What was your father's given name? A Thomas Holden.
Q Did he get his Indian blood through his father or mother? A His mother.
Q What was her name? A Sallie McLaughlin.
Q What was her husband's name? A Jim Holden.
Q Well, what was the name of her father then? A My grandmother's father? I can't tell you now.

Examination by the Commission:

- Q When did you first meet Mrs. Farr did you say? A About two weeks ago.
Q When did you first know she was a grand-daughter of Nancy Travick? A I don't know it yet; she was only inquiring for that name and claiming it was her grandmother.
Q What was the name of this other woman-- A Tucker.
Q She also claims to be a grand-daughter of Nancy Travick? A No, her mother.
Q How old a woman was she? A Seventy five, a pretty old lady, she was Indian all right.
Q Do you know Nancy Travick? A No sir.
Q All you know about her is what you have heard? A No sir; only from each one inquiring.
Q You don't know whether it was the same Nancy Travick they were inquiring for? A No sir, only from what they say.
Q How old are you? A I am forty three.; my maiden name was Holden, then Moore, then Fulsom and now its Henry.

(witness excused.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on the above date and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 10th day of March, 1902.

Wm. H. H. H.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary J. Karr, et al.,
for identification as Mississippi Choctaws; consolidating the
applications of

Mary J. Karr, et al.,	W. C. R. 276
Lou Shears, et al.,	W. C. R. 277
John A. Self, et al.,	W. C. R. 278
Henry H. Hopkins, et al.,	W. C. R. 279
Billy Terry,	W. C. R. 280
Edward A. Karr, et al.,	W. C. R. 281
John Widens, et al.,	W. C. R. 283
Thomas S. Karr, et al.,	W. C. R. 284
John J. Karr, et al.,	W. C. R. 336
Walter J. Karr, et al.,	W. C. R. 337
John T. Karr, et al.,	W. C. R. 338
Mary Alice Ross, et al.,	W. C. R. 758

---DISCUSSION:--

The record in the above consolidated case shows that
there were, originally, twelve applications made separately by the
parties named at the times and places herein set forth, to-wit:

In the matter of the application of Mary J. Karr for the
identification of herself and her two minor children, Ella and
Della Karr, as Mississippi Choctaws, taken at Colbert, Indian
Territory, June 18, 1900.

In the matter of the application of Lou Shears for the
identification of herself and her minor child, John Shears as
Mississippi Choctaws, and for the identification of her husband,
J. W. Shears as an intermarried Mississippi Choctaw, taken at
Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Henry T. Self for the identification of himself and his two minor children, John and James Self; as Mississippi Choctaws, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Henry W. Hopkins for the identification of himself and his two minor children, Lillie D. and Claude Hopkins, as Mississippi Choctaws, and for the identification of his wife, Etta Hopkins, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Sally Towry for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Edward A. Karr for the identification of himself as a Mississippi Choctaw and for the identification of his wife, Belle Karr as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Nancy Widens for the identification of herself as a Mississippi Choctaw, and for the identification of her husband, Frank Widens as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application for the identification of Thomas S., Lee and Dora Karr as Mississippi Choctaws, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Henry W. Farr for the identification of himself and his two minor children, Bessie Lee and Carrie Karr, as Mississippi Choctaws, and for the identification of his wife, Mary Karr, as an intermarried Mississippi

3.

Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Walter T. Karr for the identification of himself and his minor child, Lewis C. Karr, as Mississippi Choctaws and for the identification of his wife, Hulda Jane Karr, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of John . . . Karr for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Liza Karr, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 20, 1900.

In the matter of the application of Mary Alice Ross for the identification of herself and her three minor children, James O., Edgar T. and Jewel R. Ross as Mississippi Choctaws, taken at Muskogee, Indian Territory, September 21, 1900.

In accordance with Departmental instructions of June 10, 1901 and July 21, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications into the consolidated case of Mary J. Karr, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure separately.

Taking then in the order above named we find from the record in the case of Mary J. Karr, et al., that on June 18, 1900, the said Mary J. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the

identification of herself and her two minor children, Eller and Della Karr, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Bridges, an alleged one half blood Choctaw, who married Thomas Self, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary J. Karr, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation; or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1876, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Georgia in about the year 1848 and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one fourth blood Choctaw. She attempts to

trace her alleged Choctaw descent through her mother to her grandmother (name not given), who she claims was a full blood Choctaw, but she expressly states that none of her ancestors ever took advantage of the provisions of the fourteen article of the treaty of 1830, or ever claimed or received any lands as beneficiaries under said article of said treaty, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein.

The next in order of the above applications is that of Lou Shears, et al., and the record therein shows that on June 18, 1900, the said Lou Shears appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, John Shears, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek" and for the identification of her husband, J. W. Shears, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary Karr, an alleged one fourth blood Choctaw, and Henry Hopkins (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Lou Shears, and her husband and minor child, for whom

application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Texas in about the year 1870, and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandmother (name not given), who she claims once lived in Mississippi, but she does not state when her said grandmother lived in Mississippi and she expressly states that none of her ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, or claimed or received any land as beneficiaries thereunder, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors lived in the state of Alabama or Mississippi in 1830, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in those states.

The next in order of the above applications is that of

Henry T. Self, et al., and the record therein shows that on June 18, 1900, the said Henry T. Self appeared before the Commission at Colbert, Indian Territory and there made personal application for the identification of himself and his two minor children, John and James Self as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of Article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Self, an alleged one half blood Choctaw, and Thomas Self, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Henry T. Self, and his two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant by which it is attempted to be shown that he was born in Georgia in about the year 1841, and that for about one year prior to the making of his

original application he had resided in Indian Territory and claims to be an one quarter blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother, and expressly states that none of his alleged Choctaw ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, or claimed or received any land as beneficiaries thereunder, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors lived in the old Choctaw Nation in 1830, or were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians.

The next in order of the above applications is that of Henry H. Hopkins, et al., and the record therein shows that on June 18, 1900, the said Henry H. Hopkins appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, Lillie D. and Claude Hopkins, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Etta Hopkins, as an inter-married Mississippi Choctaw. The principal applicant claims descent from Mary J. Harr, an alleged Choctaw (degree of blood not given) and Harry Hopkins (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal

applicant, Henry H. Hopkins, and his wife and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1872, and that for about twelve years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. He states that he married his wife, for whom he makes application, in Texas under the United States law, but it does not appear that he ever married her under the Choctaw law. He attempts to trace his alleged Choctaw descent through his mother to his grandparents (names not given) but he expressly states that none of his ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors lived in the old Choctaw Nation in 1830, or that they were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein.

The next in order of the above applications is that of Sally Towry, and the record therein shows that on June 18, 1900, the said Sally Towry appeared before the Commission at Colbert, Indian Territory and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Mary J. Harr, an alleged one fourth blood Choctaw, and Anthony Harr, a white man, he are the parents of this applicant.

The record in this case further shows that the applicant, Sally Towry, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the applicant, by which it is attempted to be shown that she was born in Texas in about the year 1882, and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims

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to be an one eighth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her mother, and expressly states that none of her ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830, or claimed or received any land as beneficiaries thereunder, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein.

The next in order of the above application is that of Edward A. Karr, et al., and the record therein shows that on June 18, 1900, the said Edward A. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Belle Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Rebecca Karr, an alleged one fourth blood Choctaw, and W. B. Karr, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Edward A. Karr, and his wife, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found

upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1875, and that for about four years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. He states that he married his wife, for whom he makes application, under the United States law in Indian Territory, but it does not appear that he was ever married to her under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above application is that of Nancy Ridens, et al., and the record therein shows that on June 18, 1900, the said Nancy Ridens appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming

to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of her husband, Frank Ridens, as an inter-married Mississippi Choctaw. The principal applicant claims descent from Mary J. Karr, an alleged Choctaw (degree of blood not given) and Anton Karr (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Nancy Ridens, and her husband, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Texas in about the year 1879, and that for about five years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. It does not appear

from her testimony that she was ever married to her husband, for whom she makes application, under the Choctaw law. She only attempts to trace her alleged Choctaw descent to her mother, and expressly states that none of her ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830. There is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were there ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians.

The next in order of the above applications is that of Thomas S. Karr, et al., and the record therein shows that on June 18, 1900, one William B. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of his three minor children, Thomas S., Lee and Dora Karr, as Mississippi Choctaws, claiming them to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." There is claimed for these three applicants descent from Rebecca Karr, deceased, an alleged Choctaw (degree of blood not given) and William B. Karr (blood not given), who are the parents of these applicants.

The record in this case further shows that the three minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that

tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 St ats., 321.)

The only evidence offered in support of this application is the oral statement of the said William B. Karr, by which it is not attempted to be shown when or where these applicants were born, but that at the making of their original application they had been residents of Indian Territory for about six months, and they are claimed to be one eighth blood Choctaws. Their alleged Choctaw descent was attempted to be traced through their mother to their grandmother, name Bridges, and their grandfather (name not given), but there is nothing in the testimony of the said William B. Karr which would tend to show that any of the alleged Choctaw ancestors of the applicants lived in the old Choctaw Nation in 1830, or were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of William B. Karr, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him for these applicants.

The next in order of the above applications is that of Henry W. Karr, et al., and the record therein shows that on June 18, 1900, the said Henry W. Karr appeared before the Commission at

Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, Bessie Lee and Carrie Karr, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Mary Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Rebecca Karr, an alleged one fourth blood Choctaw, and Will Karr, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant Henry W. Karr, and his wife and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1877, and that for about one year prior to the making of his

original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. It does not appear that he was ever married to his wife, for whom he makes application, under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother, and expressly states that none of his ancestors ever took advantage of the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," or ever received any lands as beneficiaries thereunder, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians.

The next in order of the above applications is that of Walter T. Karr, et al., and the record therein shows that on June 19, 1900, the said Walter T. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his minor child Lewis C. Karr, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Hulda Jane Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mar. J. Karr, an alleged Choctaw (degree of blood not given) and Anton Karr (blood not given) who are the parents of this applicant.

The record in this case further shows that the principal applicant, Walter T. Karr, and his wife and minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1878, and that for about ten years prior to the making of his original application he had been a resident of Indian Territory, and claims to be possessed of some Choctaw blood, but he does not state the degree. It does not appear that he was ever married to his wife, for whom he makes application, under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother who he says once lived in Mississippi, but he does not state when she so lived, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors lived in the old Choctaw Nation in 1830, or that they were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of John W. Karr, et al., and the record therein shows that on June 20, 1900, the said John W. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Emma Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary J. Karr, an alleged Choctaw (degree of blood not given) and Anthony Karr (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, John W. Karr, and his wife, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 541.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year

1877, and that for about twelve years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. It does not appear that he was ever married to his wife, for whom he makes application, under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother, and expressly states that none of his alleged Choctaw ancestors ever claimed any land as beneficiaries under the fourteenth article of the treaty of "Dancing Rabbit Creek." There is nothing in his testimony that would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians. There was filed with the Commissioner to the Five Civilized Tribes on February 7, 1901, a birth affidavit of William Bertie Karr, by which it is attempted to be shown that the said William Bertie Karr was born on August 28, 1900, and is the child of John W. Karr and Emma Karr. This affidavit is filed with and made a part of the original record in the case of John W. Karr, et al.

The last in order of the above applications is that of Mary Alice Ross, et al., and the record therein shows that on September 21, 1900, the said Mary Alice Ross appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her three minor children, James O., Edgar T. and Jewel M. Ross as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the

United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Hopkins, an alleged Choctaw (degree of blood not given) and Henry H. Hopkins, (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mrs. Alice Ross, and her three minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1897, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of J. M. Ross and Mary J. Farr, the latter of whom is the principal applicant in this group of consolidated cases. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in about the year 1869, and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims to be one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her great grandfather, Bridgman by name, who she claims was a

recognized member of the Choctaw tribe of Indians in Mississippi in 1830, but she does not state how her said ancestor was so recognized, and she expressly states that none of her ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830, or ever claimed or received any lands as beneficiaries thereunder. By the ex parte affidavits of J. .

Ross and Mary J. Karr, it is attempted to be shown that affiants knew Mollie Karr, the mother of the principal applicant herein, and that the principal applicant was duly married to J. T. Ross. There is nothing in either of these affidavits which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the old Choctaw Nation, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

NOTE.-- There is a discrepancy between the oral statement of the principal applicant herein and the ex parte affidavits as to the name of the principal applicant's mother, in as much as in the former it is given as Mary Hopkins, and in the latter as Mollie Karr, but by reference to the evidence in the other applications in this group of consolidated cases, the Commission finds that the said mother of the principal applicant married first a man named Hopkins and next a man named Karr, so that no doubt is entertained that both names given in this record refer to one and the same person.

The record in these cases further shows that on September 8, 1900, there was forwarded by the Commission to Mary J. Karr, Henry T. Self, Edward A. Karr and Henry W. Karr, written decisions, denying the applications they had made for the identification of themselves and their families as Mississippi Choctaws; that on February 19, 1901 a similar decision was forwarded by the Commission to Walter T. Karr; that on February 28, 1901, similar decisions

were forwarded by the Commission to Lou Shears and Henry W. Hopkins, and that on September 8, 1900, a written decision was forwarded by the Commission to Sally Towry, denying the application which she had made for the identification of herself as a Mississippian Choctaw.

On December 3, 1900, the records in the cases of Mary J. Karr, et al., Henry T. Self, et al., Sally Towry, Edward A. Karr, et al., and Henry W. Karr, et al. were forwarded to the Secretary of the Interior.

On July 30, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to the Commission the records theretofore forwarded in the cases of Mary J. Karr, et al., and Henry T. Self, et al. for further hearing, and on January 27, 1902 the records in the cases of Sally Towry, Edward A. Karr, et al. and Henry W. Karr, et al. were similarly remanded.

In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on February 4, 1902, notified Mary J. Karr, Edward A. Karr, Henry W. Karr, Henry T. Self and Sally Towry, the principal applicants in the cases so remanded, and also William T. Karr, Lou Shears, Mary Adams and Henry W. Hopkins, who had made application for the identification of themselves or their families or both, as Mississippian Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock, P. M. there would be heard the testimony

of such witnesses as might present themselves in support of said applications. Notice to the same effect was on the same day given to Mansfield, McMurrag & Cornish, attorneys for the Choctaw and Chickasaw Nations, and to L. F. Hudson and J. W. Arnold, attorneys of record for the applicants. On February 10, 1902, the Commission to the Five Civilized Tribes notified Walter T. Kerr and John W.

Farr, who had made application for the identification of themselves and families as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, that at the same time and place as above specified, there would be heard the testimony of such persons as might present themselves in support of their applications. Notice to the same effect was on the same day given to Mansfield, McMurrag & Cornish, attorneys for the Choctaw and Chickasaw Nations, and to L. F. Hudson and J. W. Arnold, attorneys of record for the applicants.

On Monday, March 10, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, at one o'clock, P. M., this case was called for hearing and at that time and place personal appearance was made by Mary J. Kerr, the principal applicant in this group of consolidated cases, and by J. A. Hall, attorney for the applicants herein. At this rehearing there was submitted the oral testimony of the said Mary J. Kerr, L. W. Voss and Lillie Henry. In the oral statement of Mary J. Kerr she attempts to trace her alleged Choctaw descent through her mother, Mary Brigen, to her grand mother, one Leavick, who she alleged was living in the old Choctaw Nation in 1860 as

recognized member of the Choctaw tribe of Indians. Witness further states that her said mother, Mary Bridges, was about ten years old in 1830, and also testified as to her relationship to the other applicants in this group of consolidated cases, all of who were alleged to be descended from the same common ancestor. By the oral statement of J. W. Kohn, the last of the applicants in this group of consolidated cases it is attempted to be shown that he knew the mother of the principal applicant in this group, and that her appearance indicated that she was an one-half blood Indian. By the oral statement of Miss Leary it is attempted to be shown that she once knew Mrs. Tucker who said she was a daughter of Nancy Travick. There is nothing in the testimony taken at the rehearing which would tend to show that any of the alleged Choctaw ancestors of these applicants ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their evidence, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the time of the making of their original applications, the documentary evidence filed by them, and the oral testimony given at the rehearing. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their right to identification as Mississippi Choctaws is Nancy Travick, the grandmother of the principal applicant in this group, who it appears was in 1830 living at the head of a family in the state of Mississippi, but it

further appears that her daughter, Mary Bridges (nee Travick), the mother of the principal applicant in this group of consolidated cases, was living with her said mother in 1830 at about the age of ten years, so that it is incumbent upon these applicants, in order that they may be identified as Mississippi Choctaws, to show that the said Nancy Travick was in 1830 a recognized Choctaw Indian, and that she made compliance for her said daughter, Mary Bridges (nee Travick) with the provisions of the fourteenth article of the treaty of 1830, and this the applicants herein entirely fail to do. As a matter of fact most of the principal applicants in this group of consolidated cases testified expressly that none of their ancestors ever took advantage of the provisions of said article of said treaty. It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 that any person by the name of Mary Travick ever, in person or by proxy, signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of the fourteenth article, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

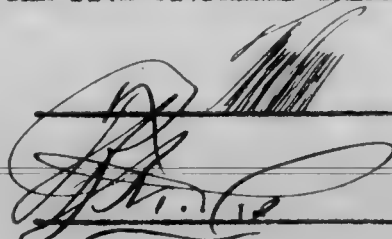
It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Eiler Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis C. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification

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of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


I. R. McKinstry.

Commissioners.

Muskogee, Indian Territory,

MAY 13 1902.

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FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Mary. J. Karr

Et-al

Consolidated

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary J. Karr, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Mary J. Karr, et al.,	M C R 274
Lou Shears, et al.,	M C R 276
Henry T. Self, et al.,	M C R 277
Henry H. Hopkins, et al.,	M C R 278
Sally Towry,	M C R 279
Edward A. Karr, et al.,	M C R 280
Nancy Ridens, et al.,	M C R 281
Thomas S. Karr, et al.,	M C R 283
Henry W. Karr, et al.,	M C R 284
Walter T. Karr, et al.,	M C R 336
John W. Karr, et al.,	M C R 358
Mary Alice Ross, et al.,	M C R 758

List of papers forwarded to the Secretary of the Interior,
with the record in the above case, together
with the page occupied by each in
said record.

Original application of Mary J. Karr, et al., for identification as Mississippi Choctaws.	Page. 1
Written appearance of Hudson and Arnold, attorneys.	3
Written decision of the Commission refusing the application of Mary J. Karr, et al., for identification as Mississippi Choctaws.	4
Copy of letter of Commission to Mary J. Karr, transmitting above decision.	6
Registry receipt.	7
Original application of Lou Shears, et al., for identification as Mississippi Choctaws.	8
Written appearance of Hudson and Arnold, attorneys for applicants.	10
Written decision of the Commission refusing application of Lou Shears, et al., for identi- fication as Mississippi Choctaws.	11

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Copy of letter of Commission to Lou Shears, transmitting above decision.	Page. 13
Registry receipt.	14
Original application of Henry T. Self, et al., for identification as Mississippi Choctaws.	15
Written appearance of Hudson and Arnold, as attorneys for applicants.	17
Written decision of the Commission refusing application of Henry T. Self, et al., for identification as Mississippi Choctaws.	18
Copy of letter of Commission to Henry T. Self, transmitting above decision.	20
Registry receipt.	21
Original application of Henry H. Hopkins, et al., for identification as Mississippi Choctaws.	22
Written appearance of Hudson and Arnold, as attorneys for applicants.	24
Written decision of Commission refusing application of Henry H. Hopkins, et al., for identification as Mississippi Choctaws.	25
Copy of letter of Commission to Henry H. Hopkins, transmitting above decision.	27
Registry receipt.	28
Original application of Sally Towry for the identification of herself as a Mississippi Choctaw.	29
Written appearance of Hudson and Arnold, as attorneys for applicant.	31
Written decision of the Commission refusing application of Sally Towry for identification as a Mississippi Choctaw.	32
Copy of letter of Commission to Sally Towry transmitting above decision.	34
Registry receipt.	35
Original application of Edward A. Karr, et al., for identification as Mississippi Choctaws.	36
Written appearance of Hudson and Arnold, as attorneys for applicants.	38

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Written decision of Commission refusing application of Edward A. Karr, et al., for identification as Mississippi Choctaws.	Page. 39
Copy of letter of Commission to Edward A. Karr,, transmitting above decision.	41
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary J. Karr, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Mary J. Karr, et al.,	M C R 274
Lou Shears, et al.,	M C R 276
Henry T. Self, et al.,	M C R 277
Henry B. Hopkins, et al.,	M C R 278
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Lancy Ridens, et al.,	M C R 281
Thomas S. Karr, et al.,	M C R 283
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Walter S. Karr, et al.,	M C R 285
John V. Karr, et al.,	M C R 288
and Alice Ross, et al.,	M C R 288

--:D E C I S I O N:--

The record in the above consolidated case shows that
there were, originally, twelve applications made separately by the
parties named at the times and places herein set forth, to-wit:

In the matter of the application of Mary J. Karr for the
identification of herself and her two minor children, Ellen and
Bella Karr, as Mississippi Choctaws, taken at Colbert, Indian
Territory, Dec. 18, 1900.

In the matter of the application of Lou Shears for the
identification of herself and her minor child, John Shears as
Mississippi Choctaws, and for the identification of her husband,
J. W. Shears as an intermarried Mississippi Choctaw, taken at
Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Henry T. Self for the identification of himself and his two minor children, John and James Self, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Henry J. Hopkins for the identification of himself and his two minor children, Lillie D. and Claude Hopkins, as Mississippi Choctaws, and for the identification of his wife, Etta Hopkins, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Sally Towry for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Edward A. Karr for the identification of himself as a Mississippi Choctaw and for the identification of his wife, Belle Karr as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Nancy Bidens for the identification of herself as a Mississippi Choctaw, and for the identification of her husband, Frank Bidens as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application for the identification of Thomas S., Lee and Nora Karr as Mississippi Choctaws, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Henry W. Karr for the identification of himself and his two minor children, Bessie Lee and Carrie Karr, as Mississippi Choctaws, and for the identification of his wife, Mary Karr, as an intermarried Mississippi

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Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Walter T. Karr for the identification of himself and his minor child, Lewis C. Karr, as Mississippi Choctaws and for the identification of his wife, Hulda Jane Karr, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of John L. Karr for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Emma Karr, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 20, 1900.

In the matter of the application of Mary Alice Ross for the identification of herself and her three minor children, James C., Edgar T. and Jewel M. Ross as Mississippi Choctaws, taken at Muskogee, Indian Territory, September 21, 1900.

In accordance with Departmental instructions of June 10, 1901 and July 28, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications into the consolidated case of Mary J. Karr, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of Mary J. Karr, et al., that on June 18, 1900, the said Mary J. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the

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identification of herself and her two minor children, Ellor and Della Karr, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Bridges, an alleged one half blood Choctaw, who married Thomas Self, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary J. Karr, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Georgia in about the year 1848 and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one fourth blood Choctaw. She attempts to

trace her alleged Choctaw descent through her mother to her grandmother (name not given), who she claims was a full blood Choctaw, but she expressly states that none of her ancestors ever took advantage of the provisions of the fourteen article of the treaty of 1830, or ever claimed or received any lands as beneficiaries under said article of said treaty, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein.

The next in order of the above applications is that of Lou Shears, et al., and the record therein shows that on June 18, 1900, the said Lou Shears appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, John Shears, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek" and for the identification of her husband, J. W. Shears, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary Karr, an alleged one fourth blood Choctaw, and Henry Hopkins (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Lou Shears, and her husband and minor child, for whom

application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Texas in about the year 1870, and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandmother (name not given), who she claims once lived in Mississippi, but she does not state when her said grandmother lived in Mississippi and she expressly states that none of her ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, or claimed or received any land as beneficiaries thereunder, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors lived in the state of Alabama or Mississippi in 1830, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in these states,

The next in order of the above applications is that of

Henry T. Self, et al., and the record therein shows that on June 18, 1900, the said Henry T. Self appeared before the Commission at Colbert, Indian Territory and there made personal application for the identification of himself and his two minor children, John and James Self as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Self, an alleged one half blood Choctaw, and Thomas Self, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Henry T. Self, and his two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant by which it is attempted to be shown that he was born in Georgia in about the year 1841, and that for about one year prior to the making of his

original application he had resided in Indian Territory and claims to be an one quarter blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother, and expressly states that none of his alleged Choctaw ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, or claimed or received any land as beneficiaries thereunder, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors lived in the old Choctaw Nation in 1830, or were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians.

The next in order of the above applications is that of Henry H. Hopkins, et al., and the record therein shows that on June 18, 1900, the said Henry H. Hopkins appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, Lillie D. and Claude Hopkins, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Etta Hopkins, as an inter-married Mississippi Choctaw. The principal applicant claims descent from Mary J. Karr, an alleged Choctaw (degree of blood not given) and Harry Hopkins (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal

applicant, Henry H. Hopkins, and his wife and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1872, and that for about twelve years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. He states that he married his wife, for whom he makes application, in Texas under the United States law, but it does not appear that he ever married her under the Choctaw law. He attempts to trace his alleged Choctaw descent through his mother to his grandparents (names not given) but he expressly states that none of his ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors lived in the old Choctaw Nation in 1830, or that they were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein.

The next in order of the above applications is that of Sally Towry, and the record therein shows that on June 18, 1900, the said Sally Towry appeared before the Commission at Colbert, Indian Territory and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Mary J. Karr, an alleged one fourth blood Choctaw, and Anthony Karr, a white man, who are the parents of this applicant.

The record in this case further shows that the applicant, Sally Towry, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the applicant, by which it is attempted to be shown that she was born in Texas in about the year 1888, and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims

to be an one eighth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her mother, and expressly states that none of her ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830, or claimed or received any land as beneficiaries thereunder, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein.

The next in order of the above application is that of Edward A. Karr, et al., and the record therein shows that on June 18, 1900, the said Edward A. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Belle Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Rebecca Karr, an alleged one fourth blood Choctaw, and W. B. Karr, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Edward A. Karr, and his wife, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found

upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1875, and that for about four years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. He states that he married his wife, for whom he makes application, under the United States law in Indian Territory, but it does not appear that he was ever married to her under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above application is that of Nancy Ridens, et al., and the record therein shows that on June 18, 1900, the said Nancy Ridens appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming

to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of her husband, Frank Ridens, as an inter-married Mississippi Choctaw. The principal applicant claims descent from Mary J. Karr, an alleged Choctaw (degree of blood not given) and Anton Karr (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Nancy Ridens, and her husband, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Texas in about the year 1879, and that for about five years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. It does not appear

from her testimony that she was ever married to her husband, for whom she makes application, under the Choctaw law. She only attempts to trace her alleged Choctaw descent to her mother, and expressly states that none of her ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830. There is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were there ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians.

The next in order of the above applications is that of Thomas S. Karr, et al., and the record therein shows that on June 18, 1900, one William B. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of his three minor children, Thomas S., Lee and Dora Karr, as Mississippi Choctaws, claiming them to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." There is claimed for these three applicants descent from Rebecca Karr, deceased, an alleged Choctaw (degree of blood not given) and William B. Karr (blood not given), who are the parents of these applicants.

The record in this case further shows that the three minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that

tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 St ats., 321.)

The only evidence offered in support of this application is the oral statement of the said William B. Karr, by which it is not attempted to be shown when or where these applicants were born, but that at the making of their original application they had been residents of Indian Territory for about six months, and they are claimed to be one eighth blood Choctaws. Their alleged Choctaw descent was attempted to be traced through their mother to their grandmother, name Bridges, and their grandfather (name not given), but there is nothing in the testimony of the said William B. Karr which would tend to show that any of the alleged Choctaw ancestors of the applicants lived in the old Choctaw Nation in 1830, or were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of William B. Karr, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him for these applicants.

The next in order of the above applications is that of Henry W. Karr, et al., and the record therein shows that on June 18, 1900, the said Henry W. Karr appeared before the Commission at

Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, Bessie Lee and Carrie Karr, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Mary Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Rebecca Karr, an alleged one fourth blood Choctaw, and Will Karr, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant Henry W. Karr, and his wife and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1877, and that for about one year prior to the making of his

original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. It does not appear that he was ever married to his wife, for whom he makes application, under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother, and expressly states that none of his ancestors ever took advantage of the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," or ever received any lands as beneficiaries thereunder, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians.

The next in order of the above applications is that of Walter T. Karr, et al., and the record therein shows that on June 19, 1900, the said Walter T. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his minor child Lewis C. Karr, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Hulda Jane Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary J. Karr, an alleged Choctaw (degree of blood not given) and Anton Karr (blood not given) who are the parents of this applicant,

The record in this case further shows that the principal applicant, Walter T. Karr, and his wife and minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year 1875, and that for about ten years prior to the making of his original application he had been a resident of Indian Territory, and claims to be possessed of some Choctaw blood, but he does not state the degree. It does not appear that he was ever married to his wife, for whom he makes application, under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother who he says once lived in Mississippi, but he does not state when she so lived, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors lived in the old Choctaw Nation in 1830, or that they were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of John W. Karr, et al., and the record therein shows that on June 20, 1900, the said John W. Karr appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Emma Karr, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary J. Karr, an alleged Choctaw (degree of blood not given) and Anthony Karr (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, John W. Karr, and his wife, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Texas in about the year

1877, and that for about twelve years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. It does not appear that he was ever married to his wife, for whom he makes application, under the Choctaw law. He only attempts to trace his alleged Choctaw descent to his mother, and expressly states that none of his alleged Choctaw ancestors ever claimed any land as beneficiaries under the fourteenth article of the treaty of "Dancing Rabbit Creek." There is nothing in his testimony that would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or were there recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians. There was filed with the Commission to the Five Civilized Tribes on February 7, 1901, a birth affidavit of William Bertie Karr, by which it is attempted to be shown that the said William Bertie Karr was born on August 28, 1900, and is the child of John W. Karr and Emma Karr. This affidavit is filed with and made a part of the original record in the case of John W. Karr, et al.

The last in order of the above applications is that of Mary Alice Ross, et al., and the record therein shows that on September 21, 1900, the said Mary Alice Ross appeared before the Commission at Muskegee, Indian Territory, and there made personal application for the identification of herself and her three minor children, James O., Edgar T. and Jewel M. Ross as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the

United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Hopkins, an alleged Choctaw (degree of blood not given) and Henry H. Hopkins, (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary Alice Ross, and her three minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of J. N. Ross and Mary J. Karr, the latter of whom is the principal applicant in this group of consolidated cases. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in about the year 1869, and that for about twelve years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her great grandmother, Bridges by name, who she claims was a

recognized member of the Choctaw tribe of Indians in Mississippi in 1830, but she does not state how her said ancestor was so recognized, and she expressly states that none of her ancestors ever took advantage of the provisions of the fourteenth article of the treaty of 1830, or ever claimed or received any lands as beneficiaries thereunder. By the ex parte affidavits of J. F. Ross and Mary J. Karr, it is attempted to be shown that affiants knew Mollie Karr, the mother of the principal applicant herein, and that the principal applicant was duly married to J. F. Ross. There is nothing in either of these affidavits which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the old Choctaw Nation, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

NOTE.-- There is a discrepancy between the oral statement of the principal applicant herein and the ex parte affidavits as to the name of the principal applicant's mother, in as much as in the former it is given as Mary Hopkins, and in the latter as Mollie Karr, but by reference to the evidence in the other applications in this group of consolidated cases, the Commission finds that the said mother of the principal applicant married first a man named Hopkins and next a man named Karr, so that no doubt is entertained that both names given in this record refer to one and the same person.

The record in these cases further shows that on September 8, 1900, there was forwarded by the Commission to Mary J. Karr, Henry T. Self, Edward A. Karr and Henry W. Karr, written decisions, denying the applications they had made for the identification of themselves and their families as Mississippi Choctaws, that on February 19, 1901 a similar decision was forwarded by the Commission to Walter T. Karr; that on February 26, 1901, similar decisions

were forwarded by the Commission to Lou Shears and Henry H. Hopkins, and that on September 8, 1900, a written decision was forwarded by the Commission to Sally Towry, denying the application which she had made for the identification of herself as a Mississippi Choctaw.

On December 3, 1900, the records in the cases of Mary J. Karr, et al., Henry T. Self, et al., Sally Towry, Edward A. Karr, et al., and Henry W. Karr, et al. were forwarded to the Secretary of the Interior.

On July 30, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to the Commission the records theretofore forwarded in the cases of Mary J. Karr, et al., and Henry T. Self, et al. for further hearing, and on January 27, 1902 the records in the cases of Sally Towry, Edward A. Karr, et al. and Henry W. Karr, et al. were similarly remanded.

In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on February 4, 1902, notified Mary J. Karr, Edward A. Karr, Henry W. Karr, Henry T. Self and Sally Towry, the principal applicants in the cases so remanded, and also William D. Karr, Lou Shears, Mary Ridens and Henry H. Hopkins, who had made application for the identification of themselves or their families or both, as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock, P. M., there would be heard the testimony

of such witnesses as might present themselves in support of said applications. Notice to the same effect was on the same day given to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and to L. P. Hudson and J. H. Arnold, attorneys of record for the applicants. On February 10, 1902, the Commission to the Five Civilized Tribes notified Walter T. Karr and John W.

Karr, who had made application for the identification of themselves and families as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, that at the same time and place as above specified, there would be heard the testimony of such persons as might present themselves in support of their applications. Notice to the same effect was on the same day given to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and to L. P. Hudson and J. F. Arnold, attorneys of record for the applicants.

On Monday, March 10, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, at one o'clock, P. M., this case was called for hearing and at that time and place personal appearance was made by Mary J. Karr, the principal applicant in this group of consolidated cases, and by J. G. Ralls, attorney for the applicants herein. At this rehearing there was submitted the oral testimony of the said Mary J. Karr, J. D. Ross and Lizzie Henry. By the oral statement of Mary J. Karr she attempts to trace her alleged Choctaw descent through her mother, Mary Bridges, to her grandmother, Nancy Travick, who she alleged was living in the old Choctaw Nation in 1830 as a

recognized member of the Choctaw tribe of Indians. Witness further states that her said mother, Mary Bridges, was about ten years old in 1830, and also testified as to her relationship to the other applicants in this group of consolidated cases, all of whom are alleged to be descended from the same common ancestor. By the oral statement of J. D. Ross, the husband of an applicant in this group of consolidated cases it is attempted to be shown that he knew the mother of the principal applicant in this group, and that her appearance indicated that she was an one half blood Indian. By the oral statement of Lizzie Henry it is attempted to be shown that she once knew a Mrs. Tucker who said she was a daughter of Nancy Travick. There is nothing in the testimony taken at the rehearing which would tend to show that any of the alleged Choctaw ancestors of these applicants ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their evidence, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the time of the making of their original applications, the documentary evidence filed by them, and the oral testimony given at the rehearing. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their right to identification as Mississippi Choctaws is Nancy Travick, the grandmother of the principal applicant in this group, who it appears was in 1830 living at the head of a family in the state of Mississippi, but it

further appears that her daughter, Mary Bridges (nee Travick), the mother of the principal applicant in this group of consolidated cases, was living with her said mother in 1830 at about the age of ten years, so that it is incumbent upon these applicants, in order that they may be identified as Mississippi Choctaws, to show that the said Nancy Travick was in 1830 a recognized Choctaw Indian, and that she made compliance for her said daughter, Mary Bridges (nee Travick) with the provisions of the fourteenth article of the treaty of 1830, and this the applicants herein entirely fail to do. As a matter of fact most of the principal applicants in this group of consolidated cases testified expressly that none of their ancestors ever took advantage of the provisions of said article of said treaty. It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 that any person by the name of Mary Travick ever, in person or by proxy, signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of the fourteenth article, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1838, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

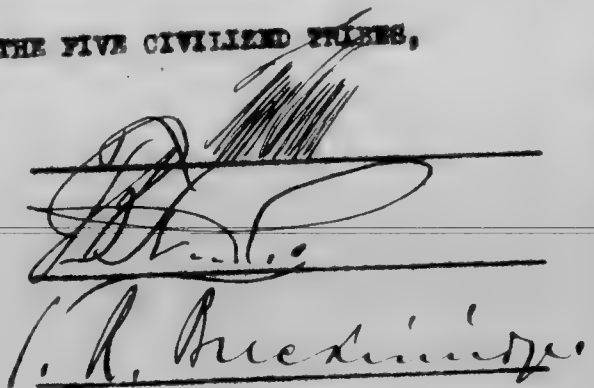
It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Eller Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis C. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification

28.

of his wife, Emma Karr, in each case as an intermarried Mississippi
Cheetaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



A handwritten signature, likely "J. R. McQuinn", is written over two horizontal lines. The signature is in cursive and includes a large, stylized initial "J".

Commissioners.

Muskogee, Indian Territory.

MAY 13 1902.

Land.
30,740-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 31, 1902

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the department's consideration the record in the consolidated case of Mary J. Karr, et al.

The Applicants in this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of September 27, 1830.

The parties to this case are as follows:

Mary J. Karr, et al.

Lou Shears, et al.

Henry T. Self, et al.

Henry H. Hopkins, et al.

Sally Towry.

Edward A. Karr, et al.

Nancy Ridens, et al.
Thomas S. Karr, et al.
Henry W. Karr, et al.
Walter T. Karr, et al.
John W. Karr, et al.
Mary Alice Ross, et al.

The parties to this consolidated case attempt to trace their descent through Mary Bridges, nee Tarrick, mother of the principal applicant, Mary J. Karr, to Nancy Tarrick, grandmother of said principal applicant. Mary Bridges was, the record shows, about ten years of age in 1830.

May 13, 1902, the commission held that the parties to this consolidated case were not entitled to identification as Mississippi Choctaws.

The office has considered the record and it does not believe that it is sufficient to warrant the identification of said parties. Careful search of the records of the office relating to the Choctaw Indians who complied with the provisions of said treaty has been made and no record has been found which shows that Nancy Tarrick or Mary Bridges, nee Tarrick, complied or attempted to comply with the provisions of said treaty or that they, or either of them, had their rights adjudicated, if any they had, by the commissioners appointed under the Acts of March 3, 1837 and August 23, 1842.

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It is therefore respectfully recommended that the decision of the commission be affirmed.

Very respectfully,

Your obedient servant,

(G.A.W.)
P.

A.C. Torner,
Acting Commissioner

D.C.10365

(COPY)

DEPARTMENT OF THE INTERIOR.

J.W.H.

I.T.D.

4326-1902.

Washington.

CMR

L.R.S.

June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 19, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Mary J. Karr for herself and her two minor children, Ellen, and Della Karr; of Lou Shears for herself and her minor child, John Shears and her husband, J.W. Shears; of Henry T. Self for himself and his two minor children, John and James Self; of Henry H. Hopkins for himself and his two minor children, Lillie D., and Claude Hopkins, and his wife, Etta Hopkins; of Sally Towry for herself; of Edward A. Karr for himself and his wife, Belle Karr; of Nancy Ridens for herself and her husband, Frank Ridens; of Thomas S., Lee, and Dora Karr; of Henry W. Karr for himself and his two minor children, Bessie Lee, and Carrie Karr, and his wife, Mary Karr; of Walter T. Karr for himself and his minor child, Lewis C. Karr, and his wife, Hulda Jane Karr; of John W. Karr for himself and his wife, Emma Karr; and of Mary Alice Ross for herself and her three minor children, James O., Edgar T., and Jewel M. Ross.

The applicants in this consolidated case attempt to trace their descent through Mary Bridges, nee Tarrick, mother of the principal applicant, Mary J. Karr, to Nancy Tarrick, grandmother of said principal applicant. The record shows that Mary Bridges

was about 10 years of age in 1830.

May 13, 1902, you refused the applications, and the Acting Commissioner of Indian Affairs forwarded your decision on May 31, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, Mary Bridges and Nancy Tarrick, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842

(5 Stat., 513)

The Department, upon review of the whole case, approves your action, and your decision is affirmed.

A copy of the report of the Acting Commissioner of Indian Affairs is inclosed.

Respectfully,

1 inclosure.

F.L.Campbell
Acting Secretary.
E.M.D.

Muskogee, Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant, enclosing written requests of William J. Sessums, George R. Carter, Mary J. Karr and Thomas R. Sessums to have the records in their cases transmitted to the Secretary of the Interior for his consideration.

The same have been filed with the other papers in these cases and the records made will be transmitted to the Secretary of the Interior together with the report of the Commission on the identification of Mississippi Choctaws as provided in the act of Congress of June 28th, 1898.

Yours truly,

Acting Chairman.

M. C. R-153
M. C. R-152
M. C. R-154
M. C. R-274

Washington, Indian Territory, January 27, 1902.

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

On December 3, 1900, the Commission together with the record in other cases of applicants for identification as Mississippi Choctaws, forwarded to the Department the record in the case of Mary J. Carr, et al., M. C. R. 274 and Henry J. Self, et al., M. C. R. 277, Sallis Towry, M. C. R. 279, Edward A. Carr, et al., M. C. R. 280 and Henry W. Carr, et al., M. C. R. 284.

On July 29, 1901, your office returned to the Commission for further proceedings under the instructions contained in your letter of July 25, 1901, and in the cases of Mary J. Carr, et al., and Henry J. Self, et al.

In accordance with departmental instructions consolidating applications of persons for identification as Mississippi Choctaws claiming descent from the same common ancestor, the Commission has consolidated the records in the applications of all persons claiming their rights as descendants of Mary Bridges and finds that the applicants in the two cases of Mary J. Carr et al. and Henry J. Self, et al., claim their rights as Mississippi Choctaws as the descendants of the said Mary Bridges.

Commissioner 2

It further appears that the applicants in the cases of
William Tarry, M. C. R. 272, Edward A. Carr, et al., M. C. R. 280,
and Henry W. Carr, M. C. R. 284 also claim their rights as Mississ-
ippi Choctaws as the descendants of the said Mary Bridges. The
original records in the three last named cases have not up to this
time been returned by your office with instructions for any further
procedure and as it will be necessary in the consideration of the
rights of the several persons claiming descent from Mary Bridges
that such records be in the possession of the Commission, it is
respectfully requested that the same be returned to the Commission
for further procedure in accordance with your letter of July 30,
1901, returning the cases of Henry J. Self, et al. and Mary J. Carr,
et al. in accordance with the instructions in your letter of July
25, 1901.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 4, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

Mary J. Karr et al., Henry W. Karr et al.,
Edward A. Karr et al., Henry T. Self et al.,
Sally Towry,

records of which were returned with letters of your office dated
July 30, 1901, and January 27, 1902, with instructions for further
proceedings in accordance with instructions contained in Depart-
mental letter of July 25, 1901, you are informed that these cases
have been combined with the cases of

Leu Shears et al., Henry H. Hopkins et al.,
Thomas L. Karr et al., Nancy Ridens,

applicants to this Commission for identification as Mississippi
Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified
the interested parties in these several applications, their attor-
neys and the attorneys for the Choctaw Nation, that there will be
heard additional testimony of applicants or witnesses in person
at the office of the Commission at Muskogee, Indian Territory,

-2-

on Monday, March 10, 1902, at one o'clock P. M.

Respectfully,

H.C. 274

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

Mary J. Karr et al., Henry W. Karr et al.,
Edward A. Karr et al., Henry T. Self et al.,
Bally Teury,

records of which were returned with letters of your office dated
July 30, 1901, and January 27, 1902, with instructions for further
proceedings in accordance with instructions contained in Depart-
mental letter of July 26, 1901, you are informed that these cases
have been combined with the cases of

Lou Shears et al., Henry H. Hopkins et al.,
Thomas L. Karr et al., Nancy Ridens,

applicants to this Commission for identification as Mississippi
Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified
the interested parties in these several applications, their attor-
neys and the attorneys for the Choctaw Nation, that there will be
heard additional testimony of applicants or witnesses in person
at the office of the Commission at Muskogee, Indian Territory,

-2-

on Monday, March 10, 1902, at one o'clock P. M.

Respectfully,

M.C. 274

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in the cases of

Mary J. Karr et al.,	Henry W. Karr et al.,
Edward A. Karr et al.,	Henry T. Self et al.,
Sally Towry,	Leu Shears et al.,
Thomas L. Karr et al.,	Henry H. Hopkins et al.,
	Nancy Bidens,

applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 274

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

J. H. Arnold,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in the cases of

Mary J. Karr et al.,	Henry W. Karr et al.,
Edward A. Karr et al.,	Henry T. Self et al.,
Sally Towry,	Lon Shears et al.,
Thomas L. Karr et al.,	Henry H. Hopkins et al.,
	Nancy Ridens,

applicants to this Commission for identification as Mississippi
Cheetaws.

Yours truly,

M.C. 274

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

L. P. Hudson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in the cases of

Mary J. Karr et al.,	Henry W. Karr et al.,
Edward A. Karr et al.,	Henry T. Self et al.,
Sally Towry,	Leu Shears et al.,
Thomas L. Karr et al.,	Henry H. Hopkins et al.,
	Nancy Riden,

applicants to this Commission for identification as Mississippi Cheetaws.

Yours truly,

M.C. 274

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

Mary J. Karr,
Mannsville, Indian Territory.

Dear Madam:

In the matter of the application for the identification as Mississippi Choctaws of yourself and two minor children, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 274

Acting Chairman.

Muskogee, Indian Territory, February 10, 1902

J. E. Arnold,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with the instructions of the commissioner of Indian Affairs at the Office of the commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P.M., there will be heard the testimony of such witnesses as present themselves in person in the cases of Walter T. Karr et al. and John W. Karr et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, February 10, 1902.

L. P. Hudson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with the instructions of the Commissioner of Indian Affairs at the Office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in the cases of Walter T. Karr et al. and John W. Karr et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge

Waskogee, Indian Territory, February 10, 1902.

Messrs. Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with the instructions of the Commissioner of Indian Affairs at the Office of the Commission to the Five Civilized Tribes at Waskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in the cases of Walter T. Karr et al. and John W. Karr et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge

Waskogee, Indian Territory, May 18, 1902.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Carr, et al., embracing the following applications for identification as Mississippian Chocktaws:

Mary J. Carr, et al.,	M. C. R. 374
Lou Shears, et al.,	M. C. R. 276
Henry T. Self, et al.,	M. C. R. 277
Henry H. Hopkins, et al.,	M. C. R. 278
Sally Towry,	M. C. R. 279
Edward A. Karr, et al.,	M. C. R. 280
Henry H. Hiden, et al.,	M. C. R. 281
Thomas B. Karr, et al.,	M. C. R. 283
Henry W. Karr, et al.,	M. C. R. 284
Walter T. Karr, et al.,	M. C. R. 338
John W. Karr, et al.,	M. C. R. 338
Mary Alice Ross, et al.,	M. C. R. 758.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Chocktaw Indians claiming rights in the Chocktaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twentyseventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Ellen Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M. C. R. 374.

Muskogee, Indian Territory, May 19, 1902.

Messrs. Mansfield, McMurtry & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Mississippian Choctaws:

Mary J. Karr, et al.,	M. C. R. 374
Lou Sheats, et al.,	M. C. R. 376
Henry T. Self, et al.,	M. C. R. 377
Henry H. Hopkins, et al.,	M. C. R. 378
Sally Towry,	M. C. R. 379
Edward A. Karr, et al.,	M. C. R. 380
Nancy Ridens, et al.,	M. C. R. 381
Thomas S. Karr, et al.,	M. C. R. 383
Henry W. Karr, et al.,	M. C. R. 384
Walter T. Karr, et al.,	M. C. R. 336
John W. Karr, et al.,	M. C. R. 358
Mary Aline Ross, et al.,	M. C. R. 758.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

M., Mch. 2 9-2

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Ellen Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis C. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James C. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M. O. R. 274.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Mary J. Karr, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mary J. Karr, et al.,	M. O. R. 274
Lou Shears, et al.,	M. O. R. 276
Henry T. Self, et al.,	M. O. R. 277
Henry H. Hopkins, et al.,	M. O. R. 278
Sally Toney,	M. O. R. 279
Edward A. Karr, et al.,	M. O. R. 280
Nancy Ridens, et al.,	M. O. R. 281
Thomas G. Karr, et al.,	M. O. R. 283
Henry W. Karr, et al.,	M. O. R. 284
Walter T. Karr, et al.,	M. O. R. 336
John W. Karr, et al.,	M. O. R. 358
Mary Alice Ross, et al.,	M. O. R. 758.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation have

Secretary of the Interior-2

been duly advised by letter of the action of the Commission,
copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, May 19, 1902.

L. P. Hudson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Carr, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Carr, et al.,	M. C. R. 274
Lea Shears, et al.,	M. C. R. 275
Henry T. Self, et al.,	M. C. R. 277
Henry H. Hopkins, et al.,	M. C. R. 278
Sally Towry,	M. C. R. 279
Edward A. Carr, et al.,	M. C. R. 280
Nancy Ridens, et al.,	M. C. R. 281
Thomas S. Carr, et al.,	M. C. R. 283
Henry W. Carr, et al.,	M. C. R. 284
Walter T. Carr, et al.,	M. C. R. 286
John W. Carr, et al.,	M. C. R. 300
Mary Alice Ross, et al.,	M. C. R. 758.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

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United States and the Choctaw Nation, concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Ellen Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Garvie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman.

M. C. R. 274.

Mustache, Indian Territory, May 19, 1902.

Mary J. Karr,

Maneville, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Missionsippi Choctaws:

Mary J. Karr, et al.,	M. C. R. 274
Low Shears, et al.,	M. C. R. 276
Henry T. Self, et al.,	M. C. R. 277
Henry H. Hopkins, et al.,	M. C. R. 278
Sally Lowry,	M. C. R. 279
Edward A. Farr, et al.,	M. C. R. 280
Nancy Ridens, et al.,	M. C. R. 281
Thomas M. Karr, et al.,	M. C. R. 283
Henry W. Karr, et al.,	M. C. R. 284
Walter T. Karr, et al.,	M. C. R. 336
John W. Karr, et al.,	M. C. R. 358
Mary Alice Rees, et al.,	M. C. R. 758

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Eller Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Toury, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis S. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an inter-married Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him,

Yours truly,

Registered,

Acting Chairman.

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M.C.P. 274

Muskogee, Indian Territory, June 27, 1902.

J. O. Ralls,

Attorney at law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Kerr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

I. T. Needles.

Commissioner in Charge.

COPY.

M.C.R. 274

Muskogee, Indian Territory, June 27, 1902.

Mary J. Karr,

Mannsville, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Karr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, June 27, 1902.

Messrs. Mansfield, McMurray & Corrish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

~~Statement~~

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Karr, et al., of which decision you were advised by mail on the 19th day of May, 1902.

Yours truly,

I. D. Needles.

Commissioner in Charge.

M C R 274

Muskogee, Indian Territory, August 13, 1903.

Mary J. Karr,
Mannsville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if you will be allowed to file on land.

In reply you are informed that it appears from our records that on June 19, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws.

The Commission now considers your case closed and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 1, 1903.

Mary J. Karr,
McMillan, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 13, 1903, by reference from the Secretary of the Interior, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You state "Now if there is anything for me in the way of payments or land I feel the dire need of it."

In reply you are informed that on June 19, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on June 27, 1902.

The Commission now considers your case closed and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 29, 1904.

Mrs. Emma Finklea,

Madill, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, asking what disposition has been made of the consolidated Mississippi Choctaw case of Mary J. Karr, et al.

In reply you are informed that on June 19, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Mary J. Karr, et al., of which departmental action the several applicants were duly notified on June 27, 1902.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

~~REFUSED~~

MEMORANDA.

18 1900 (Date) JUN 18 1900
Name Mary J. Kurr Nancy J. J.
Choctaw? Miss County Year No.
Chickasaw? County Year Page
Citizen by blood? Yes Mother's citizenship CHOCTAW.
Intermarried citizen?
Married under what law?
License filed this day,
Wife's name, Anthony Kurr (Husband)
Choctaw? County Year No.
Chickasaw? County Year Page
Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

15. Eller. (7)
13. Della (7)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
JUN 18 1900
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.
County Year Page No.

(Father) Thomas M Self
(Mother) Mary Self

Mary J. Karr et al
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No R 274

Original testimony and all papers filed in
this case forwarded Secretary of Interior,

Dec 3 1900

REFUSED

Mary J. Kawahala

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 7 1900



ACTING CHAIRMAN.

34

61036	Indian Office.	1900
34	Incl. No. 251	

REFER TO M. C. R. 274

May J. Kan del

Consolidated Case

RESIDENCE-DISTRICT POST OFFICE AGE SEX YEAR TRIBAL ENROLLMENT DISTRICT No.

CHERO

mlor
7/77 Henry J. Self 59 1/2
Annie Self Dead

mlor
7/77 John Self 20
Annie Self 14

mlor
7/58 Mary Alice Hopkins 31 1/8
husband
Jefferson O. Ross
mlor
7/76 Lora Hopkins 30 1/8
married
C. W. Kearse
husband

mlor
7/58 James O. Ross 9
Edgar J. Ross 7
Edward M. Ross 4

mlor
7/78 Henry H. Hopkins 28 1/8
married
Etta Dowler
claims for wife

mlor
7/78 Elmer O. Hopkins 6
Claude Hopkins 4
James Hopkins
x Born since application filed

mlor
7/36 Walter J. Karr 26 -
married
Audra Jane Allen
claims for wife

mlor
7/36 Lewis B. Karr 20 m

mlor
7/58 John W. Karr 23 1/8
married
Emma Askefield
claims for wife

x William Burton Karr
x Born since application filed

mlor
7/81 Homer Karr 21 1/8
married
Frank Rideau
claims for husband

x Cora Rideau
x Born since application filed

mlor
7/79 Sally Karr 18 1/8
married
J. J. Tawney

mlor
7/74 Ella Karr 15
Bella Karr 13

mlor
7/80 Edward A. Karr 25 1/8
married
Belle Tawney
claims for wife

mlor
7/81 Henry W. Karr 23 1/8
married
Mary Howard
claims for wife

mlor
7/81 Jessie Lee Karr 18 m
Barrie Karr 3

One of these children d. 1
6 m application filed
11 m application filed

mlor
7/82 Thomas T. Karr 20 1/8
Lee Karr 16 1/8
Rosa Karr 14

Nancy J. J. J.
full blood

Mary Bridges 1/2
married
Thomas Bridges

mlor
7/77 Mary J. Self 55 1/2
married
First, Henry Hopkins Dead
Second, Anthony Karr Dead

Rebecca Self Dead
married
William B. Karr

Choctaw MCR 275

John E. Donaho

MCR 275

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Isaac E. Donaho for the identification of his son, John E. Donaho as a Mississippi Choctaw, and Isaac E. Donaho, being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Isaac E. Donaho.
- Q What is your age? A Forty-three (43) ..
- Q You apply for your son, John E. Donaho for identification as a Mississippi Choctaw, or descendant of a Mississippi Choctaw? A Yes sir.
- Q Where do you live? A Duncan, I. T.
- Q How long have you lived there? A Since January last.
- Q How old is this son for whom you make application?
- A Twenty-three (23).
- Q Where is he at the present time? A Somewhere in the Phillipine Islands.
- Q What is his occupation now? A He is a soldier in the United States Army.
- Q How long has he been there? A Ever since March, 1900.
- Q Did he live with you up to the time he left for the Phillipine Islands? A No sir, he has been in the Government service seven years.
- Q Did he ever live in the Indian Territory? A Yes sir, when he was very small; a short time.
- Q When did he live in the Indian Territory? A In 1876.
- Q Where was he living when he enlisted in the United States army?
- A He enlisted at Ft. Worth, Texas.
- Q You claim his Choctaw blood through you? A Yes sir.
- Q What proportion of Choctaw blood do you claim? A One fourth.
- Q What proportion do you claim your son has? A One eighth.
- Q What is the name of his mother? A Mary A. Donaho.
- Q She is a white woman? A Yes sir.
- Q Has your name ever appeared on any of the Choctaw tribal rolls?
- A No sir.
- Q Have you ever been recognized by the Choctaw tribal authorities as a Choctaw Indian? A No sir.
- Q Has the name of your son ever appeared on any of the Choctaw tribal rolls? A No sir.
- Q Did he ever make application to the Choctaw Tribal authorities for citizenship in the Choctaw Nation? A Not that I knew of.
- Q You would be apt to know it if he had, would you not? A Yes sir, I do not think he has.
- Q Did he himself or any one for him apply for citizenship in the Choctaw Nation in 1896? A No sir.
- Q He has never been recognized by the Choctaw Tribal authorities as a Choctaw citizen? A No sir.
- Q Under what treaty do you base your claim for your son?
- A I am not basing my claim on any certain treaty; not being conversant with the treaties.
- Q You do not base your claim then for your son on any particular article of any particular treaty between the United States and Choctaw Nation?
- A No sir.
- Q You do not base your claim then on the fourteenth article of the treaty of Dancing Rabbit Creek? A Not knowing the article, I can not say that I do, or do not.
- Q Did your son ever take advantage of the provisions of that article?
- A No sir.
- Q Did you or any one of his ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830?
- A I know I never did; I do not know anything about the ancestors, whether they did or not.
- Did your son, yourself or any one of his ancestors ever claim or receive any land as beneficiaries under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Is there any additional statement you desire to make in regard to the application of your son at the present time?

A I would like to state that I would like to introduce that judgment in the Parks case as evidence in his case.

Q Do you mean that you desire to offer in evidence at a later date a certified copy of the Judgment of the United States Court for the Southern District of the Indian Territory ("at Ardmore") in the case of I. E. & K. C. Parks et al versus the Choctaw Nation? A Yes sir.

Any papers which may be filed by you in connection with the application of yourself for your son, John E. Donaho, for identification as a descendant of a Mississippi Choctaw will not be considered by the Commission, but will be forwarded to the honorable Secretary of the Interior, together with the other testimony and papers in connection with this application for his consideration, when the final rolls of Choctaw citizens are forwarded to him for approval.

Citizenship Docket "C", containing a record of applications for citizenship in the Choctaw Nation, filed with the Commission to the Five Civilized Tribes in the year 1896, examined and on Page 292 appears the case of J. E. & K. C. Parks et al versus the Choctaw Nation, being case No. 352, filed September 5, 1896; Answer filed, application denied December 2nd, 1896; case appealed to the United States Court for the southern District of the Indian Territory at Ardmore, Indian Territory, and the judgment of the Commission to the Five Civilized Tribes reversed by that Court and thirty-five persons admitted to citizenship in the Choctaw Nation by the judgment of said Court: Name of John E. Donaho, applicant, does not appear in the list of persons admitted to citizenship into the Choctaw Nation by the terms of this judgment.

A copy of the decision of the Commission in regard to the application of yourself for your son, John E. Donaho, will be furnished you at a later date, mailed to you at your present Postoffice address.

H. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and complete transcript of his stenographic notes in said case.

H. R. Cravens

Sworn to and subscribed before me this 21st day of June, 1900.

[Signature]

ACTING CHAIRMAN.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John E. Donahoe

*m.c.R.
#275*

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac E. Donaho for identification for his son, John E. Donaho, a soldier enlisted in the United States army and now serving in the Philippines, as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Isaac F. Donaho appeared before the Commission at Colbert, Indian Territory, June 18, 1900, and there made application for identification for his son, John E. Donaho, a soldier enlisted in the United States army and now serving in the Philippines, as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 23, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eigh-

teen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Isaac E. Donaho for identification for his son, John E. Donaho, a soldier enlisted in the United States army and now serving in the Philippines, as a Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.



Acting Chairman.

FEB 25 1901

Muskogee, Indian Territory, January 31, 1902.

John E. Donaho,

In care of Isaac E. Donaho,

Duncan, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of Isaac E. Donaho et al. and Robert E. Donaho et al., you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Colbert, Indian Territory, on June 18, 1900, your father, Isaac E. Donaho, made application to this Commission for your identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard

J. E. D.--2.

the testimony of such witnesses as present themselves in person
in support of your application.

Yours truly,

M.C. 275

Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

John E. Donaho,

Care of Isaac E. Donaho,

Duncan, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clampitt, et al.,	M.C.R. 614
Thomas T. Donoho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Seawoy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clampitt, Clara Lilly Clampitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T.F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott, and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. E. ...

Registered.

Commissioner in Charge.

M.C.R. 275.

COPY.

Muskogee, Indian Territory, July 30, 1903.

John E. Donaho,

Duncan, Indian Territory.

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

SIGNED

T. B. Needles,
Commissioner in Charge.

MEMORANDA.

(Date)

1899.

Name Thomas E. Donahoe (1850) Page 1

MISSISSIPPI CHOCTAW.
Choctaw? Yes County Indian Year 1884 No.

Chickasaw? No County " Year " Page

Citizen by blood? Yes (1/2) Mother's citizenship (U.S.)

Intermarried citizen? No

Married under what law?

License filed this day,

Wife's name, "

Choctaw? " County " Year " No.

Chickasaw? " County " Year " Page

Citizen by blood? " Mother's citizenship "

Intermarried citizen? "

Married under what law?

License filed this day

Names of children:

County " Year " Page " No. "

County " Year " Page " No. "

County " Year " Page " No. "

County " Year " Page " No. "

County " Year " Page " No. "

Father applied for him for the reason that:

He is serving his country in the Philippines and cannot apply for himself.

(Mother) - Mary A. Donahoe
(Father) - Isaac E. Donahoe

Both living.
Claims through father.

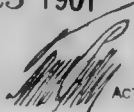
FOR INFORMATION AS
A MISSISSIPPI CHOCTAW.

General
1900

REFUSED

John E. Donahoe
Judgment written Feb. 18-1901
Judgment rendered
J. E.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 25 1901



ACTING CHAIRMAN.

REFER TO M. C. R.

DECISION PREPARED JN 11 1901

JAN 19 1903

JAN - 1961

3493

125

2024

271

Choctaw MCR 276

Son Shears

See MCR 274

MCR 276

FOR IDENTIFICATION AS R.
A MISSISSIPPI CHOCTAW

276

Son Shears et al.
REFUSED.

NOTICE OF DECISION MAILED APPLICANT.

MAY 13 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

140

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 19 1902

RECORD FORWARDED DEPARTMENT.

MAY 19 1902

ACTION APPROVED BY SECRETARY ENTERED.

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

274

Mc-R 276

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18, 1900.

In the matter of the application for identification of Mrs. Lou Shears and her minor children as Mississippi Choctaws and of her husband, John Will Shears as an Intermarried Mississippi Choctaw. Mrs. Lou Shears being first duly sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Lou Shears.
Q How old are you? A Thirty years old.
Q Where do you live? A A mile and a half from Mannsville, I.T.
Q What is your postoffice address? A Mannsville.
Q You claim as a Mississippi Choctaw? A Yes sir.
Q What is your father's name? A Henry Hopkins.
Q Is he living? A No sir.
Q Did he claim to be an Indian? A No sir.
Q What is your mother's name? A Mary Karr.
Q Is she living? A Yes sir.
Q Does she claim to be a Choctaw? A Yes sir.
Q Do you claim under the 14th Article of the treaty of Dancing Rabbit Creek? Q Well, I claim under all the laws and treaties as a Mississippi Choctaw.
Q Do you claim, then, under the 14th article of the treaty of 1830.
A Well, I don't know, I claim under all of them.
Q You don't base your claim under any specific article of any one treaty but you make your claim for identification as a Mississippi Choctaw under all the treaties that have ever been made between the Choctaw Indians and the United States? A Yes sir.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830. A No sir.
Q Did any of your ancestors ever take such advantage? A No sir.
Q Did you or any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.
Q You stated that you live in the Indian Territory? A Yes sir.
Q How long have you lived here? A Been living here for 25 years.
Q Where did you come from to the Territory. A Hopkins county, Texas.
Q How long did you live in Hopkins county, Texas? A All my life till I came here.
Q You were born in Hopkins county? A Yes sir.
Q Did your mother or father come from Mississippi? A My mother never did, my grand mother did.
Q Then you base your claim for identification as a Mississippi Choctaw upon your grand mother? A Grand mother, on my mother's side.
Q You said that they never took advantage of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not.
Q Do you know when your grand father and grand mother left Mississippi? A No sir.
Q Do you know whether they came direct from Mississippi to Texas or whether they entered the Indian Territory? A No sir.
Q Did any of them move into the Indian Territory? A No sir, I think not.
Q Do you know of your own knowledge whether they were ever recognized as Choctaw Indians by the tribal authorities in Mississippi.
A I don't know whether they were or not.
Q You stated that you did not know whether any of your ancestors ever claimed as beneficiaries under the 14th article of the treaty of 1830, do you claim under the 15th article of that treaty? A I don't know whether I do or not.

Mrs. Lou Shears -2-

Q Do you claim anything under the 19th article or under the supplement of the treaty of 1830? A No sir.

Q What proportion of Choctaw blood do you claim to have? A One eighth, my mother was a quarter.

Q I understand you make claim for your husband, what do you claim him to be? A Don't claim him to be anything more than a white man - I claim him to be an intermarried Mississippi Choctaw.

Q What is his name, A J. W. Shears.

Q He does not claim any right to Indian blood, does he? A No sir.

Q What was your husband's father's name? A John Shears.

Q He living? A Yes sir.

Q What is your husband's mother's name? A I don't know.

Q You make application also for your minor children; state the names and ages of your children under 21 years of age and unmarried? A I have only one. He is seven years old; his name is John Shears.

Q He has always lived with you? A Yes sir.

Q You are his natural guardian? A Yes sir.

Q Any additional statements you desire to make at this time regarding your claim. A No sir.

Q Any papers you desire to file? A We have some statements, they will be filed later.

The decision of this Commission as to the application of yourself and your minor child for identification as Mississippi Choctaws and of your husband as an intermarried Mississippi Choctaw will be filed by you in writing in the near future at your present postoffice address.

Any papers that you may desire to file later will be forwarded by mail to the honorable Secretary of the Interior for his consideration when the final rolls of the Choctaw Nation are submitted to him for approval.

A. McElrath, being first duly sworn states that as Stenographer to the Commission to the Five Civilized Tribes he reports the foregoing to be true and that the foregoing and above is a full, true and complete transcript of his stenographic notes in said case.

A. McElrath

Subscribed and sworn to before me this 22 day of July, 1901.

[Signature]
Notary Public.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Low Shears
et al

mcp
#276.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lou Shears for identification for herself and her minor child, John Shears, as Mississippi Choctaws, and for her husband, J. W. Shears, as an inter-married Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Lou Shears appeared before the Commission at Colbert, Indian Territory, June 13, 1900, and there made application for identification for herself and her minor child, John Shears, as Mississippi Choctaws, and for her husband, J. W. Shears, as an inter-married Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 23, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Lou Shears for identification for herself and her minor child, John Shears, as Mississippi Choctaws, and for her husband, J. W. Shears, as an inter-married Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,


Acting Chairman.

FEB 17 1901

Muskogee, Indian Territory, February 4, 1902.

Lou Shears,

Mannsville, Indian Territory.

Dear Madam:

In the matter of the applications for identification
as Mississippi Choctaws of

Mary J. Karr et al., Henry T. Self et al.,
Henry W. Karr et al., Edward A. Karr et al.,
Sally Tewry,

you are informed that under dates of July 30, 1901, and January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Colbert, Indian Territory, on June 18, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child claiming descent from the same common ancestor, and for the identification of your husband as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday-

L. G. A.

March 12, 1902, at New York, N. Y., there will be taken the testimony of such witnesses as present themselves in person in answer to your application.

Yours truly,

M. J. 276

Acting Chairman.

Muskogee, Indian Territory, May 19, 1903.

Lou Shears,

Manneville, Indian Territory,

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Mississippian Cherokees:

Mary J. Karr, et al.,	W. O. R. 274
Lou Shears, et al.,	W. O. R. 276
Henry T. Self, et al.,	W. O. R. 277
Henry H. Hopkins, et al.,	W. O. R. 278
Sally Terry,	W. O. R. 279
Edward A. Karr, et al.,	W. O. R. 280
Nancy Widens, et al.,	W. O. R. 281
Thomas S. Karr, et al.,	W. O. R. 283
Henry W. Karr, et al.,	W. O. R. 284
Walter T. Karr, et al.,	W. O. R. 336
John W. Karr, et al.,	W. O. R. 352
Mary Alice Ross, et al.,	W. O. R. 758

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Ella Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Doris Karr, Henry W. Karr, Beanie Lee Karr, Carrie Karr, Walter T. Karr, Lewis C. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.R. 276

Muskogee, Indian Territory, June 27, 1902.

Lou Shears,

Wannsville, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Karr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

(SIGNED)

E. B. Woodley

Commissioner in Charge.

MEMORANDA.

(Date) 1/1/1900

Name 1/1/1900

Choctaw? 1/1/1900 County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day.

Wife's name.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

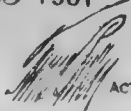
REFUSED.

Low & Sears et al

Judgment written Feb. 15/1901

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 25 1901



ACTING CHAIRMAN.

REFER TO M. C. R.

Choctaw MCR 277

Henry T Self

See MCR 274

MCR 277

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

2.

277

Henry J. Self et al
REFUSED.

ON REPLY
NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 19 1902

RECORD FORWARDED DEPARTMENT.

MAY 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

277

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HOLDEN, I. T., JUNE 18th, 1900.

In the matter of the application of Henry T. Self for himself and for his minor children for identification as Mississippi Choctaws., and Henry T. Self, being sworn by Acting Chairman, Toms Bixby, testified as follows:

- Q What is your name? A Henry T. Self.
Q What is your age? A Fifty-nine (59); will be in August.
Q What is your Postoffice address? A Manville, I. T.
Q Do you live in Manville? A Yes sir; I live near there.
Q Where is that; in the Chickasaw Nation? A In the Chickasaw Nation.
Q Do you apply for yourself and two minor children for identification as Mississippi Choctaws? A Yes sir.
Q How long have you lived in the Choctaw Nation? A About twelve months; I moved to the Territory about nine years ago.
Q Where did you live before you went to Manville? A I lived on the Wachitau, close to Rock Creek, in the Chickasaw Nation.
Q How long did you live there? A Not a great while. I was taken sick.
Q About how long did you live there? A I do not know.
Q Where did you live before going on the Wachitau?
A I came from Texas there, about nine years ago.
Q Have you lived all these nine years in the Choctaw and Chickasaw Nations? A No sir, not all the time; after I got down sick, I was a stranger and had to go back to get credit.
Q Where did you go? A Texas.
Q How long did you stay that time? A Three or four years.
Q How long has it been since you came back from Texas this last time?
A About one year.
Q When was the last time you lived in Texas? A Last July.
Q How long did you live in Texas immediately before you came to the Chickasaw Nation last year? A I do not recollect; I think I was down there about three years.
Q Where were you before you went to Texas then; in the Territory?
A Yes sir.
Q How long were you in the Territory that time? A I travelled around; I was a long time in the Territory, about a year I reckon.
Q Where were you before that; in Texas? A Yes sir.
Q How long were you there that time? A About three years.
Q Were you born in Texas? A No sir.
Q Where were you born? A In Georgia.
Q How long did you live in Georgia? A I left there when I was very small.
Q Ten years old, do you think? A No sir, not that old.
Q Where did you go from Georgia? A To Mississippi.
Q How long did you live in Mississippi? A I was small; I do not recollect how long.
Q How large were you when you left Mississippi?
A About ~~xxxxx~~ six or seven years old (6 or 7).
Q Where did you go from Mississippi? A Eastern Texas.
Q You lived there until you came the first time to the Territory, did you? A Yes sir; about nine years ago.
Q What is the name of your father? A Thomas Self.
Q Is he living? A No sir.
Q When did he die? A About twenty (20) years ago.
Q Was he a white man? A Yes sir.
Q What is the name of your mother? A Mary Self.
Q Is she living? A No sir.
Q When did ~~she~~ she die? A About a year before my father.
Q Was she a white woman? A One half Choctaw.
Q Did she ever live in the Indian Territory? A No sir, I do not think she ever lived here.

Q What proportion of Choctaw blood do you claim? A One fourth .
Q Did the name of your mother ever appear on any of the Choctaw tribal rolls? A Not that I know of.
Q Does your name appear on any of the Choctaw tribal rolls?
A No sir, mine does not.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q What is the name of your wife? A Ananda Self.
Q Is she living? A No sir.
Q When did she die? A About twelve or fourteen years ago.
Q When and where did you marry her? A In Texas in 1878.
Q Have you any children? A Yes sir, two.
Q What are their names and ages? A John Self, 20, James Self 14.
Q You make application for their identification as Mississippi Choctaws? A Yes sir.
Q Are they living with you at the present time? A Yes sir.
Q Have they always lived with you? A Yes sir.
Q Do you desire to offer in evidence at this time your marriage licence or certificate to the mother of these children? A No sir.
Q Your wife is a white woman? A Yes sir.
Q Under what treaty do you claim as a Mississippi Choctaw?
A Under all treaties made by Mississippi Choctaws.
Q With whom? A With the Government of the United States, I suppose.
Q Do you claim anything under the treaty of 1866.
A I just claim under all treaties made by Mississippi Choctaws.
Q Do you base your claim upon any particular article of any particular treaty between the United States and Choctaws? A No sir.
Q You do not base your claim on the fourteenth article of the treaty of 1830 then? A No sir.
Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir.
Q Did you ever receive any land as beneficiary under this fourteenth article? A No sir.
Q Did any of your ancestors ever receive any land as beneficiaries under this fourteenth article of the treaty of 1830? A No sir.
Q Have you ever appeared before this Commission before?
A No sir; I went to Durant last year, but never got before them.
Q Is there any additional statement in regard to your case you desire to make at this time? A No sir, but I desire to file some papers later on.

Any papers which you may file with the Commission at a later date will not be considered by the Commission in connection with the application of yourself and your sons for identification as Mississippi Choctaws, but will be forwarded together with the ~~other~~ testimony and other papers in connection with your application to the honorable Secretary of the Interior for his consideration, when the final rolls of Choctaw citizens are forwarded him for his approval.
Q Have you any papers to offer in evidence at this time? A No sir.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and complete transcript of his stenographic notes in said case.

Sworn to and subscribed before me this 18 day of June, 1900.


ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry J. Self for identification of himself and on behalf of his two minor children as Mississippi Choctaws.

The applicant, Henry J. Self, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in his own behalf and on behalf of his two minor children for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:


"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement with in the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Henry T. Self, on his own behalf and on behalf of his two minor children, John and James, is hereby refused.

BY THE COMMISSION.

Muskogee, Indian Territory, Sept. 11, 1900, 1900.


Acting Chairman

Muskogee, Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant, enclosing the written request of Kate May to have the record in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

The same has been filed with the other papers in her case and the record so made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Also enclosing written requests of Elizabeth Parke, Sallie Towery and Henry T. Self to have the records in their cases forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the other papers in these cases and the records so made will be forwarded to the Secretary of the Interior together with the report of the Commission as to the identification of Mississippi Choctaws as provided in the act of Congress of June 28th, 1898:

Yours truly,

7-R-494
M. C. R-152
M. C. R-279
M. C. R-277

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

Henry T. Self,

Mannsville, Indian Territory.

Dear Sir:

In the matter of the application for the identification as Mississippi Choctaws of yourself and two minor children, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 277

Acting Chairman.

M. C. R. 377.

Muskogee, Indian Territory, May 19, 1902.

Henry T. Self,

Panhandle, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as ~~Widows~~ ~~ipoi~~ Choctaws:

Mary J. Karr, et al.,	M. C. R. 274
Lou Shears, et al.,	M. C. R. 376
Henry T. Self, et al.,	M. C. R. 277
Henry H. Hopkins, et al.,	M. C. R. 278
Sally Towry,	M. C. R. 279
Edward A. Karr, et al.,	M. C. R. 280
Nancy Rigens, et al.,	M. C. R. 281
Thomas S. Karr, et al.,	M. C. R. 282
Henry W. Karr, et al.,	M. C. R. 284
Walter T. Karr, et al.,	M. C. R. 336
John W. Karr, et al.,	M. C. R. 358
Mary Alice Rose, et al.,	M. C. R. 758

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stats. 485) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Ellen Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie B. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Beryle Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel H. Ross as Choctaw Indians entitle to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Active Chairman.

Registered.

✓
COPY
W.C.R. 277

Muskogee, Indian Territory, June 27, 1902.

Henry T. Self,

Mannerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Harr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

(SIGNED)

E. D. McCallie

Commissioner in Charge.

Chick Mation

MEMORANDA.

MISSISSIPPI CHOCTAW.

MISSISSIPPI CHOCTAW.

Name

MISSISSIPPI CHOCTAW.

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Yes (1/4)

Mother's citizenship

(Choc (1/2))

Intermarried citizen?

No

Married under what law?

License filed this day,

Wife's name,

Amada self

Choctaw?

No

County

U.S.

Year

Chickasaw?

No

County

Citizen

Year

Page

Citizen by blood?

No

Mother's citizenship

Intermarried citizen?

No

Married under what law?

License filed this day

Names of children:

John ✓
James ✓

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

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Year

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No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

John - Thomas self ✓

Mary - Mary self ✓

father is U.S. Citizen

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

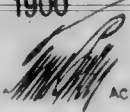
Testimony
before this Commission

Wm J. Self et al

From at ...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900



ACTING CHAIRMAN.

REFER TO M. C. R.

35

61036	Indian Office. Incl. No. 253	1900
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Henry J. Self et al

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW. Case No. R271

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

Choctaw MCR 278

Henry H. Hopkins

See MCR 274

MCR 278

FOR IDENTIFICATION AS B.
A MISSISSIPPI CHOCTAW

278

Henry H. Hopkins et al
REFUSED

NOTICE OF DECISION MADE FOR YOU

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

MAY 21 1902

NOTICE OF DECISION MADE FOR YOU
FOR THE CHOCTAW AND CHICKASAW NATIONS

21 MAY 1902

ACTION APPROVED BY

JUN 19 1902

IN THE MATTER OF THE
FEDERAL APPLICANT

JUN 27 1902

NOTICE OF DECISION
FOR YOU

NOTICE OF DECISION
FOR THE CHOCTAW
AND CHICKASAW NATIONS

FOR THE CHOCTAW

130-1

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Henry Hopkins
Et 'al

mcR
#278

-9110-13276

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 13, 1900.

In the matter of the application for identification as Mississippi Choctaws of Henry H. Hopkins and his minor children and of his wife Etta Hopkins as an Intermarried Mississippi Choctaw, Henry H. Hopkins being first duly sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Henry H. Hopkins.
- Q How old are you? A Twenty-eight.
- Q What is your postoffice address? A Mannsville, I. T.
- Q Where do you live? A Three miles west of Mannsville.
- Q What is your father's name? A Harry Hopkins.
- Q What is your mother's name? A Mary J. Karr.
- Q Is your father living? A No sir.
- Q Is your mother living? A Yes sir.
- Q You claim your Indian blood through your mother? She claims to be a Mississippi Choctaw? A Yes sir.
- Q You claim to be a Mississippi Choctaw? A Yes sir.
- Q Do you claim under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know nothing about that treaty; I claim under all that protects the Mississippi Choctaws in their rights.
- Q You do not base your claim on any specific article of any treaty? A Just claim under all the treaties made between the Mississippi Choctaws and the United States.
- Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A No sir.
- Q Did your ancestors ever take advantage of the 14th article of the treaty of 1830? A No sir.
- Q Did your ancestors ever claim or receive any land in Indian Territory as beneficiaries under the 14th article of the treaty of 1830? A No sir, I never did. I know nothing about my ancestors being Choctaws.
- Q You stated that you live in the Indian Territory, how long have you lived here? About 12 years.
- Q Lived here continuously for 12 years? A Yes sir. Have been married in my life has been my home for the last 12 years; I lived in Texas before coming here; was born in Texas.
- Q You lived in Texas until you moved to the Territory? A Yes sir.
- Q You base your claim as a Mississippi Choctaw through your mother; did she come from Mississippi? A No sir.
- Q Then your grand parents on your mother's side are the Choctaws, through whom you claim your right to recognition as Mississippi Choctaws? A Yes sir.
- Q Do you know whether your grand parents were ever recognized as Choctaw Indians by the Choctaw tribal authorities in Mississippi? A No sir, I do not.
- Q Do you know when they left Mississippi? A No sir.
- Q Do you know whether they came direct from Mississippi to Texas? A No sir.
- Q You stated that you do not know whether they had taken advantage of the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q You did not claim under the 14th article of the treaty of 1830, do you claim under the 14th article of that treaty? A I don't know nothing about it.
- Q Then you do not claim under the 14th article? A I don't claim under any particular article.
- Q Do you claim under the supplement of the treaty of 1830? A I don't know anything about these treaties; I don't know.
- Q What proportion of Choctaw blood do you claim to have? A One-eighth.
- Q Are you married? A Yes sir.

Henry H. Hopkins -2-

Q What is your wife's name? A Etta Hopkins.
Q Do you make any claim for her? A Yes sir.
Q What do you claim her to be? A Intermarried Mississippi Choctaw.
Q What is her father's name? A Jim Bowles.
Q Is he living? A No sir, he's dead.
Q What is your wife's mother's name? A Ann Bowles.
Q Is she living? A No sir, she's dead.
Q They have no Indian blood do they; you only claim for her as an Intermarried Indian citizen? A Yes sir, I have - - -
Q Where were you married? A In Texas.
Q Under what law? Under United States law.
Q To what county in the Choctaw Nation do you claim to belong? A Why I live in Pickens county
Q Pickens County? A Yes sir.
Q You say your wife is a white woman? A Yes sir.
Q Have you any children? A I have two.
Q They live with you and have always lived with you and you are their natural guardian? A Yes sir.
Q What are their names and ages? Lillie D. Hopkins 3, Claude Hopkins 4.
Q These are all the children you have? A Yes sir.
Q Are there any additional statements you desire to make at this time regarding your case? A No sir.
Q Are there any papers you desire to submit to the Commission? A No sir, my mother has some papers she desires to submit.
Q You understand that any papers filed by your mother will not cover your case, they will have to be filed separate. A I will have some papers to file later then.
The decision of the Commission as to your application and the application you make on behalf of your minor children for identification of Mississippi Choctaws and the application on behalf of your wife as an intermarried Mississippi Choctaw will be mailed to you in writing in the near future at your present postoffice address.
Q You understand that any papers filed subsequently to this time will not be considered by this Commission but will be transmitted for the consideration of the Honorable Secretary of the Interior. A Yes sir.
Q The records of the Choctaw Nation are forwarded for his review? A Yes sir.

A. McElrath, being first duly sworn, states that he is a deputy to the Commission to the Five Civilized Tribes, he reports the foregoing case and that the foregoing and above is a full, true and complete transcript of his stenographic notes in said case.

A. McElrath

Subscribed and sworn to before me this 22 day of July, 1904.

[Signature]
Notary Chairman

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry H. Hopkins for the identification of himself and his minor children, Lillie D. and Claude Hopkins, as Mississippi Choctaws, and for the identification of his wife, Etta Hopkins, as an inter-married Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Henry H. Hopkins appeared before the Commission at Colbert, Indian Territory, June 18, 1900, and there made application for the identification of himself and his minor children, Lillie D. Hopkins and Claude Hopkins, as Mississippi Choctaws, and for the identification of his wife, Etta Hopkins, as an inter-married Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the Unit-

ed States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Henry H. Hopkins for himself and for his minor children, Jillie D. Hopkins, and Claude Hopkins, as Mississippi Choctaws, and for the identification of his wife, Etta Hopkins, as an intermarried Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory. FEB 14 1901

Muskogee, Indian Territory, February 4, 1902.

Henry H. Hopkins,
Mannville, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

Mary J. Karr et al., Henry T. Self et al.,
Henry W. Karr et al., Edward A. Karr et al.,
Sally Towry,

you are informed that under dates of July 30, 1901, and January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Colbert, Indian Territory, on June 18, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor, and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

H. H. H.--2.

March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of such application.

Yours truly,

M.C. 278

Acting Chairman.

M. C. R 278.

Muskogee, Indian Territory, May 18, 1902.

Henry H. Hopkins,

Manneville, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Mississippian Chocktaws:

Mary J. Karr, et al.,	M. C. R. 274
Lou Shears, et al.,	M. C. R. 276
Henry T. Self, et al.,	M. C. R. 277
Henry H. Hopkins, et al.,	M. C. R. 278
Sally Towry,	M. C. R. 279
Edward A. Karr, et al.,	M. C. R. 280
Nancy Ridens, et al.,	M. C. R. 281
Thomas S. Karr, et al.,	M. C. R. 283
Henry W. Karr, et al.,	M. C. R. 284
Walter T. Karr, et al.,	M. C. R. 336
John W. Karr, et al.,	M. C. R. 358
Mary Alice Ross, et al.,	M. C. R. 758

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Chocktaw Indians claiming rights in the Chocktaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Ellen Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Tewry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, June 27, 1902.

Henry H. Hopkins,

Wannsville, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Karr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Commissioner in Charge.

MEMORANDA.

(Date) *June 18 1899*
 Name *Henry H. Hopkins, 28, Meridian, MS.*
 Choctaw? *1/8* County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____
 Intermarried citizen? _____ *Grandfather: Harry Nelson, Dead*
 Married under what law? _____ *Mother: Mary J. Harris, Dead*
 License filed this day, _____ *Johnnie Douglas-Kearl, 4/11*
 Wife's name, _____ *Johnnie Hopkins (Mother: John Douglas-Kearl)*
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____
 Married under what law? _____
 License filed this day _____

Names of children:

<i>6 Lillie R. Hopkins</i>	County _____	Year _____	Page _____	No. _____
<i>4 Clara S. Hopkins</i>	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

FOR IDENTIFICATION AS
 MISSISSIPPI CHOCTAW.

Wm. N. Hopkins

Judgment written Feb. 8, 1901.

Judge & rendering

C

DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES;
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 14 1901

[Signature]
ACTING CHAIRMAN.

REFER TO M. C. R.

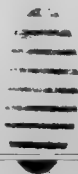
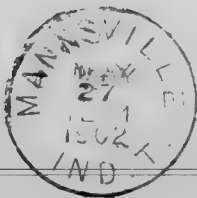
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

JUL 7 1902

[Handwritten signature]
ARTHUR P. JOHNSON

INDIAN
MAY 1902
INDIAN

INDIAN
JUL 1902
INDIAN



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Unclassified
Returned to the writer
7715*

~~Henry H. Hopkins,~~

~~MARIETTA,~~

~~Indian Territory.~~

Silo Indian Territory

Reg 2. 2

Choctaw MCR 279

Sallie

See MCR 274

MCR 279

A MISSISSIPPI CHOCTAW B.

279

Sallie Towry
REFUSED

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE FORWARDED DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

27.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Sallie Towry for identification as a Mississippi Choctaw, and she being sworn by Acting Chairman, Tama Bixby, testified as follows:

- Q What is your name? A Sally Towry.
Q How old are you? A Eighteen (18).
Q You apply for identification as a Mississippi Choctaw Indian?
A Yes sir, by blood.
Q Where do you live? A I live close to Manville in the Chickasaw Nation.
Q How long have you lived there? A I have lived there three years.
Q Your Postoffice address is Manville? A Yes sir.
Q Where did you live prior to living there? A Close to Ardmore.
Q How long did you live close to Ardmore? A Nine (9) years.
Q Where did you live before you moved to Ardmore? A Texas.
Q What county? A Hopkins.
Q Were you born there? A Yes sir.
Q You never lived in Mississippi? A No sir.
Q What is the name of your father? A Anthony Karr.
Q Is he living? A No sir.
Q When did he die? A He has been dead twelve (12) years.
Q Was he a white man? A Yes sir.
Q What is the name of your mother? A Mary J. Karr.
Q She a white woman? A No sir.
Q What is she? A Mississippi Choctaw Indian by blood.
Q What proportion of Choctaw blood does she claim? A One fourth.
Q What proportion do you claim? A One eighth.
Q Where does your mother live? A Up close to Manville.
Q Chickasaw Nation? A Yes sir.
Q How long has she lived there? A Three (3) years.
Q Has she always lived with you since you were born? A Yes sir.
Q Did she ever live in Mississippi? A I think not.
Q Did the name of your mother ever appear on any of the tribal rolls of the Choctaw Nation? A Not that I knew of.
Q She never was recognized by any of the tribal authorities as a Choctaw citizen, was she? A I do not know; she has been recognized as a Choctaw by the neighbors in the neighborhood where she lives.
Q Does your name appear on any of the Choctaw tribal rolls as a citizen? A No sir.
Q Did you ever apply to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A I do not know.
Q Were you ever admitted to citizenship in the Choctaw Nation by the tribal authorities? A No sir, I suppose not.
Q Did you make application to the Commission to the Five Civilized Tribes, commonly known as the Daves Commission in the year 1896 for citizenship in the Choctaw Nation? A No sir.
Q Did any one for you? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A J. T. Towry.
Q Do you claim anything for him? A No sir.
Q Have you any children? A No sir.
Q You make application for yourself alone? A Yes sir.
Q Under what treaty do you claim as a Mississippi Choctaw? A Under, all laws and treaties of the Mississippi Choctaw Indians by blood.
Q You do not base your claim then upon any particular article of any particular treaty between the United States and the Choctaw Nation?
A No sir.
Q You do not base your claim on the fourteenth article of the treaty of 1830 between the United States and Choctaws? A No sir., I make no claim under that article.

Q Did any of your ancestors? A No sir.

Q Did any of your ancestors? A No sir.

treaty of Dancing Rabbit Creek? A No sir.

Q Is there any additional statement you desire to make with reference to your case at this time? A No sir.

Q Have you any papers that you desire to file with the Commission at this time? A No sir; I will present them later on.

Any papers which you may see fit to file with the Commission at a later date will not receive the consideration of the Commission, but will be filed by the Commission and forwarded to the honorable Secretary of the Interior for his consideration in connection with the record and other papers in your case, when the final rolls of citizens of the Chectaw Nation are sent to him for approval.

A copy of the decision of the Commission in your case will be furnished you at a later date, mailed you at your present Post-office address.

R. R. Gravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

A. R. Craven

Sworn to and subscribed before me this 21st day of ~~June~~, 1900.

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sallie Towry for identification of herself as a Mississippi Choctaw.

The applicant, Sallie Towry, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from her oral testimony given at that time in her own behalf for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1898, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Gurtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of her personal appearance before this Commission for examination, and the written evidence submitted by her in support of her application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify her as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaw of Sallie Towry, on her own behalf, is hereby refused.
BY THE COMMISSION.

Muskogee, Indian Territory, Sept 14, 1900.

Acting Chairman

IN RE

Application for Enrollment of
Infant Child,

Thomas C. Lowry

as a citizen of the

MISSISSIPPI CHOCTAW Nation.

Approved, 190
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 11 1901

[Signature]
ACTING CHAIRMAN.

*This application for enrollment
of this child is accepted by the
Commission as evidence of its
truth, to be filed with and
made a part of the original
application of its parents
for identification as Missi-
ssippi Choctaws and not
in any manner to be
considered as an
application for the
enrollment of this child
as a citizen of the Choctaw
Nation.*

[Signature]
Acting Chairman

MISSISSIPPI CHOCTAW.

279

Reid

445
Apr. 11, 1901

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
of *Thomas, C. Towery*, born on the *24* day of *Dec*, 1900.
Here insert name of child
Name of Father: *Jackson, H. Towery*, a citizen of the *Choctaw* Nation.
Name of Mother: *Sallie Towery*, a citizen of the *Choctaw* Nation.
Postoffice, *Navia, S. I.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
Southern INDIAN TERRITORY, District. }

I, *Sallie Towery*, on oath state that I am *20*
years of age and a citizen, by *blood* of the *Choctaw* Nation;
that I am the lawful wife of *Jackson, H. Towery*, who is a citizen, by
Intermarriage of the *Choctaw* Nation; that a *male* child was
male or female
born to me on the *24* day of *December*; that said child has been named
Thomas, C. Towery, and is now living.

WITNESSES TO MARK:

(Must be Two)
Witnesses

Subscribed and sworn to before me this *14*th day of *April*, 1901.

H. A. Chapman
Southern District NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
Southern INDIAN TERRITORY, District. }

I, *Jane Towery*, a *Midwife*, on oath state that I
attended on Mrs. *Sallie Towery*, wife of *Jackson, H. Towery*
on the *Twentyfourth* day of *December*, 1900; that there was born to her on said
date a *male* child; that said child is now living and is said to have been named
(male or female)

WITNESSES TO MARK

(Must be Two)
Witnesses

E. A. Dolman
E. C. Dolman

Subscribed and sworn to before me this *14*th day of *April*, 1901.

H. A. Chapman
Southern District NOTARY PUBLIC.

Muskogee, Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Adams, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant, enclosing the written request of Kate May to have the record in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

The same has been filed with the other papers in her case and the record so made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Also enclosing written requests of Elizabeth Parks, Sallie Towery and Henry T. Self to have the records in their cases forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the other papers in these cases and the records so made will be forwarded to the Secretary of the Interior together with the report of the Commission as to the identification of Mississippi Choctaws as provided in the act of Congress of June 28th, 1898:

Yours truly,

7-R-494
M. C. R-152
M. C. R-279
M. C. R-277

Acting Chairman.

Muskogee, Indian Territory, February 4, 1902.

Sally Tewry.

Wannsville, Indian Territory.

Dear Madam:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 279

Acting Chairman.

Mustang, Indian Territory, May 13, 1902.

Sally Towry,

Hamnsville, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Karr, et al.,	M C R 274
Lon Shadre, et al.,	M C R 275
Henry T. Salf, et al.,	M C R 277
Henry E. Hopkins et al.,	M C R 278
Sally Towry,	M C R 279
Edward A. Karr, et al.,	M C R 280
Fanny Widens, et al.,	M C R 281
Thomas S. Karr, et al.,	M C R 283
Henry W. Karr, et al.,	M C R 284
Walter T. Karr, et al.,	M C R 285
John W. Karr, et al.,	M C R 286
Mary Alice Karr, et al.,	M C R 288

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 25, 1896 (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Eller Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Tewry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in the time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, June 27, 1902.

Sallie Towry,

andville, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of June, 1902, the Secretary of the Interior affirmed the decision of this office in regard to the applications for identification of the several persons included in the consolidated application of May 4, 1902, at 1., and the decision is hereby advised to be in effect on the 15th day of June, 1902.

Sincerely truly,

Commissioner in Charge.

MISSISSIPPI CHOCTAW.

MEMORANDA.

(Date) June, 18 1900
Name Sallie Lowry (181 - ~~Married~~ 1913)
MISSISSIPPI CHOCTAW.
Choctaw? no County not on roll Year 1885 No.
Chickasaw? no County " Year 1896 Page
Citizen by blood? yes (1/2) Mother's citizenship Choc. (1/4)
Intermarried citizen? no
Married under what law?

License filed this day,

Wife's name: Elizabeth - J. S. Lowry
Choctaw? no County U.S. Year No.
Chickasaw? no County Citizen Year Page
Citizen by blood? no Mother's citizenship
Intermarried citizen? no

Married under what law?

License filed this day

Names of children:

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

No
Children

Personal appearance
and testing given
before this Commission
this 16th day of June
1900

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(Father) - Anthony Karr (11 -)
(Mother) - Mary J. Karr (1 -)

Both living

Claims through mother

MISSISSIPPI CHOCTAW.

REFUSED.

Sallie Growy

Judgment re

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

[Signature]
ACTING CHAIRMAN

REFER TO M. C. R. 274

35

61036	Indian Office.	190
	Incl. N 255	

but unless...

Sallie Touray

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No. 11279

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

Choctaw MCR 280

Edward A. Karr

See MCR 274

MCR 280

A MISSISSIPPI CHOCTAW

280

Edward A. Karr et al
REFUSED.

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

MAY 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

CHICKASAW

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Francis A. Hill for self and one child for identification as Mississippi Choctaws; being sworn and examined by Acting Chairman Hixby she testifies as follows:

- Q What is your name? A Francis A. Hill.
Q What is your age? A Fifty-seven.
Q What is your post-office address? A Kemp, I. T.
Q How long have you lived in the Indian Territory? A Off and on since the spring of 1870.
Q Where did you live before that? A In Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q What is your father's name? A Daniel H. Hill.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A White man.
Q What is your mother's name? A Keziah Hill.
Q She is dead? A Yes sir.
Q Was she a Choctaw Indian? A Yes sir.
Q How much Choctaw Indian blood did she have? A One-half.
Q Was her name ever on the Choctaw rolls? A No sir, not that I know of.
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A She was before she left Mississippi, at least I think she was, I don't know, I wasn't here then. But my opinion is that her people was recognized.
Q What proportion of Choctaw blood do you claim to have? A One-fourth.
Q Was your name ever on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Last summer I applied.
Q At what place? A Caddo. On August 24th or 25th.
Q When you were before the Commission at Caddo last year did you claim to be a Mississippi Choctaw? A I did.
Q Did you so state in your testimony? A I never had time.
Q You would have stated that you were a Mississippi Choctaw if you had had an opportunity would you? A Yes sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A I claim under the Treaty of 1830 and any more pertaining to my case made by Congress since.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir.
Q Did you ever claim or receive any land as a beneficiary under the provisions of article 14 of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir.
Q What is the name of your child? A Daniel H. Hill.
Q How old is he? A Fifteen.
Q Is he living at home? A Yes sir.
Q What's his mother's name? A Lucy J. Hill.
Q Where did you marry her? A In Texas.
Q Do you wish to offer your marriage license and certificate in evidence? A No sir, I haven't got it.
Q Is there anything else you would like to state in regard to your case? A Not that I know of.
Q Do you wish to offer these papers in evidence do you? A Yes sir. I will have some papers that I want to file when my attorneys

Francis A. Hill et al #2

get them ready.

Q Do you want to file them to-day? A I don't know; Mr. Goodwin has got my papers and he is not here.

Acting Chairman Bixby: You will be permitted to file your papers at any time before we leave this place.

Note: Affidavit of F. A. Hill introduced in evidence, marked Exhibit "A" filed, and made a part of the record.

Decision held up until papers are filed.

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D.Green

Subscribed and sworn to before me this 28 day of June 1900.



Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 1, 1900.

Further proceedings in the case of W. A. Hill, applicant
for enrollment as a Mississippi Choctaw; applicant appears and
files with the Commission the following papers:

Affidavit of D. B. White offered in evidence, marked
Exhibit "A" and made a part of the record.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edward A. Karr for identification as a Mississippi Choctaw and his wife Belle Carr as an intermarried Mississippi Choctaw.

The applicant, Edward A. Karr, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and from his oral testimony given at that time in behalf of his claim for identification as a Mississippi Choctaw and a claim that he makes for his wife, Belle Karr, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 20th, 1900, (Curtis Bill), and is as follows, to wit :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of Edward A. Karr on his own behalf and on behalf of his wife, Belle Karr, as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, September 5th, 1900.

Muskogee, Indian Territory, February 4, 1902.

Edward A. Karr,

Karl, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 260

Acting Chairman.

Muskogee, Indian Territory, May 19, 1902.

Edward A. Karr,

Earl, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Karr, et al.,	M C R 274
Lou Shearn, et al.,	M C R 276
Henry T. Self, et al.,	M C R 277
Henry H. Hopkins, et al.,	M C R 278
Sally Towry,	M C R 279
Edward A. Karr, et al.,	M C R 280
Nancy Ridons, et al.,	M C R 281
Thomas S. Karr, et al.,	M C R 283
Henry W. Karr, et al.,	M C R 284
Walter T. Karr, et al.,	M C R 336
John W. Karr, et al.,	M C R 358
Mary Alice Rous, et al.,	M C R 758

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Eller Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry R. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Tewry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry R. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, June 27, 1902.

Edward A. Karr,

Barl, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Karr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 12, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 11th instant, enclosing written requests of Henry W. Karr and Edward A. Karr, to have the record in the matter of their applications for identification as Mississippi Choctaws forwarded to the Secretary of the Interior for his consideration.

The same have been duly filed with the other papers in these cases and the records so made will be transmitted to the Secretary of the Interior, together with the report of the Commission as to the identification of Mississippi Choctaws as provided in the act of June 28th, 1898, ~~when such report is sent to him for~~

Yours truly,

Acting Chairman:

M. C. R-280
M. C. R-281

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

Edward A. Karr,

Earl, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 200

Acting Chairman.

MEMORANDA.

Name Edward A. Karr (Date) Earl. J. T. 1800
 Choctaw? Miss County Year No.
 Chickasaw? County Year Page
 Citizen by blood? yes Mother's citizenship **CHOCTAW.**
 Intermarried citizen?
 Married under what law?

License filed this day,

Wife's name, Belle Karr (note name)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? yes

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
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FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.
 Personal appearance of Robert J. Karr, Jr. July 1900

(Father) W. B. Karr.
 (mother) Rebecca Karr.

Edward A Karr et al

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No. 1280

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

REFUSED

Edward A. Karn

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 7 1900



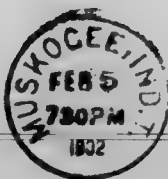
ACTING CHAIRMAN

35

61036	FILED	1900
	Incl. N ^o 257	

REFER TO M. C. R.





Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Returned to sender
Unclaimed
~~Edward A. Kary,~~
~~Earl~~
~~Ind. Ter.~~

2-80

Choctaw MCR 281

Nancy Ridens

See MCR 274

MCR 281

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

281

Nancy Riders et al.
REFUSED.

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

105

112-4251

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 14, 1900.

In the matter of the application for identification as a Miss-
issippi Choctaw of Nancy Ridens and of her husband Frank Ridens as an
Indian born in the State of Mississippi, Nancy Ridens being
sworn by Acting Chairman, T. S. Dixby, Testified as follows:

Q What is your name? A Nancy Ridens.

Q How old are you? Twenty-one.

Q What is your postoffice address? A Warr, I. . .

Q How far is it from here? A Five seven miles from here.

Q What is your father's name? A Anton Karr.

Q What is your mother's name? A Mary J. Karr.

Q What is your father's name? A Mary J. Karr.

Q What is your mother's name? A Yes sir.

Q Do you claim to be a Choctaw? A A Mississippi Choctaw.

Q Do you claim to be a Mississippi Choctaw? A Yes sir.

Q Do you claim to be of the tribe rolls of the Choctaw Nation? A No sir.

Q Do you claim to be of the Choctaw tribe but not of the Nation? A No sir.

Q Do you claim to be a citizen? A No sir.

Q Do you ever go to the laws Court down under the law? A No sir.

Q Do you ever go to the laws Court down under the law? A No sir, this is my first experience.

Q Do you ever go to the laws Court down under the law? A No sir, this is my first experience.

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Q Do you ever go to the laws Court down under the law? A No sir, this is my first experience.

Q You were never in Mississippi? A No sir.

Q You claim your right to identification as a Mississippi Choctaw through your mother? A Yes sir.

Q Was she ever in Mississippi? A I could not tell you what she was or not.

Q Through whom do you claim your right to identification as a Mississippi Choctaw? A I don't understand you. I don't know.

Q What proportion of Choctaw blood do you claim to have? A One-eighth.

Q Are you married? A Yes sir.

Q What is your husband's name? A Ridens.

Q What is his first name? A Frank Ridens.

Q How old is he? A Forty-two.

Q Is he living? A Yes sir.

Q Have you any children? A No sir.

Q You claim for your husband as an intermarried Mississippi Choctaw you claim for him as an intermarried Choctaw? A Yes sir.

Q What is his father's name? A I don't know.

Q Is your husband's father living? A He was the last time he was heard from.

Q What is your husband's mother's name? A I don't know.

Q Is she living? A I don't know, she was the last time I heard from; they are both white people.

Are there any additional statements you desire to submit in connection with your case? A No sir.

The Commission will now hear any statement that you wish to make. I will be glad to take.

Q You understand that any written testimony filed after this will not be considered by the Commission but will be forwarded to the Secretary of the Interior, when the final report of the Commission is sent to him for approval. Are there any additional statements that you desire to submit to the Commission in connection with your application? A No sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw and as to the right to be considered as an intermarried Mississippi Choctaw will be sent to you in writing at your present postal office address for the future.

A. McElrath, being first duly sworn, states that he is a member of the Commission to the Five Civilized Tribes, he is in charge of the ongoing case and that the above and foregoing is a true, full and complete transcript of his stenographic notes of the cause.

A. McElrath

Subscribed and sworn to before me this 17 day of July, 1907.

[Signature]
Acting Chairman.

Chicago, Illinois, October 1, 1901.

Dear Sir,

Therese Headwell & Lucas,

Wichita, Indian Territory.

Dear Sir:-

I received your letter of October 10, 1901, in which you state that you appeared before the Commission at Colbert, Indian Territory, on June 10, 1900, and made application for identification as a Mississippi Choctaw, and also ask that ready be sent to Therese Headwell & Lucas.

In reply to your letter you are advised that it appears from our records that on June 10, 1900, Nancy Wilson appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw, and for the identification of her husband as an inter-married Mississippi Choctaw.

No action has yet been taken in regard to such application or an opinion reached. When a decision is rendered a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be mailed to you at your present post office address.

Yours truly,

M.C. 281.

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

Nancy Ridens,

Kmet, Indian Territory.

Dear Madam:

In the matter of the applications for identification
as Mississippi Choctaws of

Mary J. Karr et al., Henry T. Self et al.,
Henry W. Karr et al., Edward A. Karr et al.,
Sally Towry,

you are informed that under dates of July 30, 1901, and January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

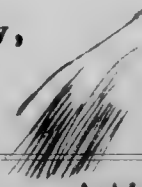
It appears from our records that at Colbert, Indian Territory, on June 18, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor, and for the identification of your husband as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard

M. R.--2.

the testimony of such witnesses as present themselves in person
in support of such application.

Yours truly,

A handwritten signature, possibly "H. R.", written in dark ink. The signature is somewhat stylized and appears to be written over a horizontal line.

M.C. 281

Acting Chairman.

Page 1 of 10

Case No. 100-100000

The following is a list of the witnesses who have been interviewed by the Special Agent in Charge of the Federal Bureau of Investigation, Department of Justice, in connection with the investigation of the activities of the Communist Party, U.S.A., and its branches, chapters, and cells, in the United States and its possessions, and in foreign countries.

Mr. J. Edgar Hoover, Director	1	1	1
Mr. Clegg, Chief of Bureau of Investigation	1	1	1
Mr. Glavin, Chief of Bureau of Investigation	1	1	1
Mr. Ladd, Chief of Bureau of Investigation	1	1	1
Mr. Nichols, Chief of Bureau of Investigation	1	1	1
Mr. Rosen, Chief of Bureau of Investigation	1	1	1
Mr. Tracy, Chief of Bureau of Investigation	1	1	1
Mr. Carson, Chief of Bureau of Investigation	1	1	1
Mr. Egan, Chief of Bureau of Investigation	1	1	1
Mr. Gurnea, Chief of Bureau of Investigation	1	1	1
Mr. Hendon, Chief of Bureau of Investigation	1	1	1
Mr. Mumford, Chief of Bureau of Investigation	1	1	1
Mr. Quinn, Chief of Bureau of Investigation	1	1	1
Mr. Nease, Chief of Bureau of Investigation	1	1	1
Mr. Gandy, Chief of Bureau of Investigation	1	1	1

This document is a review of the evidence submitted in connection with the investigation of the activities of the Communist Party, U.S.A., and its branches, chapters, and cells, in the United States and its possessions, and in foreign countries.

The following is a list of the witnesses who have been interviewed by the Special Agent in Charge of the Federal Bureau of Investigation, Department of Justice, in connection with the investigation of the activities of the Communist Party, U.S.A., and its branches, chapters, and cells, in the United States and its possessions, and in foreign countries.

The following is a list of the witnesses who have been interviewed by the Special Agent in Charge of the Federal Bureau of Investigation, Department of Justice, in connection with the investigation of the activities of the Communist Party, U.S.A., and its branches, chapters, and cells, in the United States and its possessions, and in foreign countries.

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Hiler Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Tewry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lee Karr, Bora Karr, Henry W. Karr, Bessie Lee Karr, Carrie Karr, Walter T. Karr, Lewis G. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Hulda Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

W.C.R. 241

Muskogee, Indian Territory, June 27, 1902.

Nancy Ridens,

Emet, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Karr, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 281

M.C.R. 561

Muskogee, Indian Territory, September 25, 1902.

Postmaster,

Emet, Indian Territory.

Dear Sir:-

On May 21st and June 23rd, 1902, there were forwarded
~~from this office, by registered mail, letters addressed to the fol-~~
lowing persons:

Register No. 7704, Nancy Widens;
Register No. 9121, Lorenzo D. Wood,

for which no delivery receipts have as yet been received. If
these letters have been delivered, please advise dates of such de-
livery; if on hand unclaimed, please return to this office.

Respectfully,

Acting Chairman.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

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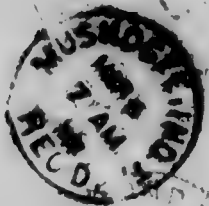
County

Year

Page

No.

IDENTIFICATION
MISSISSIPPI CHOCTAW



P. 281

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 5 1902

ACTING CHAIRMAN

RETURNED.
UNCLAIMED.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nancy Perkins

Emet

Ind. 179

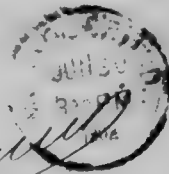


DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.
FILED.
NOV 23 1902

A handwritten signature in dark ink, appearing to be 'J. P. ...', located below the typed text 'FILED.' and 'NOV 23 1902'.

ACTING CHAIRMAN

Returned to
writer
mail



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nancy Rideau

Emek

J. J.

281

STATE OF THE IND. TER.
NOV 10 1902

ACTING CHAIRMAN



*Returned
uncleared
Nov 13-1902*



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Henry Hicens,

7704

2656

H E N R Y,

Indian Territory.

Choctaw MCR 282

Eudora Childress

MCR 282

See MCR 4303, 4304, 4335

Andrew Childress Jr.
R

DECISION 11 10 0

NOTICE

6 10 2

ADVISORY BOARD
ATTN: [illegible]
NO [illegible]
FOR [illegible]

JUN 10 1917

RECORD FORWARDED DEPARTMENT. JUN 10 1917

ACTION APPROVED FOR

29 1917

NOTICE OF DEPARTMENTAL ACTION
FOR [illegible]

NOTICE OF DEPARTMENTAL ACTION
FOR [illegible]

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT [illegible] FOR [illegible]
AND CHICKASAW NATIONS

REF R TO M.C.R. 4803.4304.4335

12/6/01 P.O. Address: Sulphur, La.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 16, 1900.

In the matter of the application of Eudora Childress for the enrollment of herself and children as Mississippi Choctaws; being sworn to and filed by A. ting Chockman Bixby, she testified as follows:

- Q What is your name? A Eudora Childress.
Q What is your age? A I am 35.
Q What is your post office address? A Silver Springs, I.T.
Q How long have you lived in the Indian Territory? A I have been here a year and a half.
Q Where did you live before you came to the Indian Territory? A I lived in Warrant County, Texas.
Q How long had you lived there? A I was born and raised there.
Q Did you ever live in Mississippi? A No, sir.
Q What is your father's name? A Napoleon Moore.
Q Is he living? A No, sir, he isn't living.
Q Was he a Choctaw Indian or a white man? A He was a white man.
Q What was your mother's name? A Mary Moore.
Q Is she living? A No, sir.
Q Was she a Choctaw Indian? A Yes, sir.
Q What proportion of Choctaw blood did she claim to have? A 1/4.
Q Was her name ever upon the Choctaw rolls? A No, sir.
Q Was she ever recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q What proportion of Choctaw blood have you? A About 1/8.
Q Has your name ever been upon the Tribal roll? A No, sir.
Q Has your name ever been recognized by the Tribal authorities as a Choctaw Indian? A Not in person.
Q I asked you if you had ever been recognized? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Commission in the year 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A I claim under all the treaties.
Q All the treaties from 1830 up to the present date? A Yes, sir.
Q You don't base your claim then specially upon any one article of any one treaty? A No, sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q Any of your ancestors? A No, sir, not that I know of.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q Any of your ancestors? A Not that I know of.
Q What are the names and ages of your children under 21 years old and unmarried? A I have got five, the oldest is Buster, 10, Charley is 8, Rosie is 7, Willie and Frankie, twins, are 2.
Q Are these children living with you? A Yes, sir.
Q Is your post office address and residence what it has always been the same as yours? A Yes, sir.
Q What is the name of their father? A George W. Childress.
Q Is there anything else that you would like to say in regard to your case at this time? A No, sir, I believe not, only that the application will be put in here in future.
Q This is your application, what application? A The application, the affidavit.
Q You ought to have them now, have you got those papers now?
A No, sir.
Q Where are they? A Our witnesses lives at Marietta, we were told they would not receive witnesses on the stand and told them to go

Eudora Childress - 2.

home, a lawyer here told us, we had them here and they stayed with us a week.

Q We have been accepting witnesses all the time. A They told us they would not receive the witnesses, you ought to have affidavits, said you didn't have time to hear the witnesses, and of course we didn't know only what we have been told, we have been told lot of things. They said any time in 30 days would be time for the testimony and evidence.

Q You will be permitted to furnish any affidavits if you desire to do so. The decision of the Commission will be rendered after the receipt of your papers, and a copy of it will be mailed to you at your present address.

-----o-----

Amos C. Joren, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Amos C. Joren

Sworn to and subscribed before me this 29th day of June, 1900.

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, JANUARY 15, 1902.

-----c00-----

In the matter of the application for identification
as Mississippi Choctaws of Eudora Childress et al., M.C.R. 282.

In the matter of the application for identification
as Mississippi Choctaws of Julia A. Whittington et al., M.C.R.
4303.

In the matter of the application for identification
as Mississippi Choctaws of George W. Atwood et al., M.C.R. 4304.

In the matter of the application for identification
as a Mississippi Choctaw of Francis M. Montgomery, M.C.R. 4335.

In accordance with the letter of the Commissioner of Indian Affairs of July 27, 1901, remanding to this Commission for further hearing the case of Eudora Childress et al., and under Departmental instructions this case is combined with the cases of Julia A. Whittington et al., George W. Atwood et al. and Francis M. Montgomery, claiming descent from the same common ancestors, William Bottoms and his wife Meshalatubbee, for the purpose of the introduction of additional testimony in support of such application. Notice of the hearing of such additional testimony was furnished the several applicants herein, their attorney and the attorneys for the Choctaw and Chickasaw Nations on December 9, 1901.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, January 15, 1902, at nine o'clock A. M., the said cases herein being set for this day and date and the said cases being called, the following proceedings were had:

(Eudora Childress the principal applicant in her own
Appearances: (behalf and in behalf of all the other applicants here-
(in.

Applicant not represented by attorney at this hearing.

No appearance on the part of the Choctaw or Chickasaw Nations.

(2)

Eudora Childress, being first duly sworn, on her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Eudora Childress.
Q How old are you? A I am thirty-six.
Q What is your post office address? A Sulphur, I. T.
Q How long have you lived there? A We have lived there ever since June was a year ago.
Q Where did you live before you moved there? A We lived in Berwyn.
Q I. T.? A Yes sir.
Q How long have you lived in Indian Territory? A We have lived here three years in December.
Q Where did you come from to the Indian Territory? A Texas.
Q Were you born in Texas? A Yes sir.
Q Are you the identical Eudora Childress who appeared at Colbert, Indian Territory, on June 18, 1900, before this Commission and made application for the identification of yourself and children as Mississippi Choctaws? A Yes sir.
Q At the time you made that application you claimed your rights to share in the lands of the Choctaw Nation, Indian Territory, under the fourteenth article of the treaty between the United States and the Choctaw Indians made September 27, 1830?
A I claimed under all the treaties.
Q Do you understand article fourteen of the treaty? A No sir.
Q Was it ever explained to you? A No sir.
Q Did you ever read it? A I don't know that I have.

The provision of law authorizing this Commission to hear applications of persons claiming rights in the Choctaw lands, Indian Territory, under article fourteen of the treaty of 1830, is found in section twenty-one of the Act of Congress approved June 28, 1898, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This provision of law restricts the authority of the Commission to applications of those claiming to be Mississippi Choctaws--to those claiming under the fourteen th article of that treaty.

This treaty was entered into between the United States government and the Choctaw tribe of Indians on the 27th of September, 1830, at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied

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which was a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line, to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to remove to the new country but wanted to remain in the old Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation, he should, within six months from the time the treaty was ratified by Congress-- Congress ratified the treaty on the 24th day of February, 1831--appear before the government Agent there in Mississippi and signify to him, that is, tell him in some way that he intended to remain and wanted to accept lands under the provisions of this article. After doing that he was then entitled, as the head of a family, to a reservation of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family unmarried and over ten years of age he was entitled to one half that quantity, or three hundred and twenty acres; and for each child in his family under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made--1830. This article also required that after a Choctaw had received his lands from the government under the provisions of this article, that he should reside upon these lands for five years, after which time the government would give him a title in fee simple which would enable him to dispose of the lands at his pleasure. The last clause of that article is as follows:

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"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation, took his lands from the United States government as a beneficiary under this article and resided upon those lands for five years, as required, did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit any right to claim any portion of the Choctaw annuity. Annuities was money being paid annually to the Choctaw tribe of Indians by the United States government under treaty provisions.

- Q Now I have read and explained article fourteen and its requirements. Do you think you understand that now? A I don't know as I do or not. I understand I think that them that received land back there receives no annuity here.
- Q Yes, that's correct. And further they didn't forfeit their right of citizenship in the Choctaw nation, Indian Territory?
- A No sir.
- Q Who do you get your Choctaw blood from? A My mother.
- Q What was her name? A Her maiden name was Bottoms--Mary Bottoms.
- Q Now who did Mary Bottoms get her Choctaw blood from? A From Zach Bottoms.
- Q Is Zach Bottoms her father? A Yes sir.
- Q And who did Zach Bottoms get his Choctaw blood from? A From his father. Don't know his given name. From his father, though-----Bottoms.
- Q How much Choctaw blood do you claim? A An eighth; little over an eighth is what I claim.
- Q Mary Bottoms is dead; is she your mother? A Yes sir.
- Q How old would she be if she was living now? A I couldn't tell you. That's something that she never did know herself. Her mother died when she was small.
- Q Do you know who of your Choctaw ancestors was married and the head of a family in 1830? A No sir.
- Q Do you know whether your Choctaw ancestors lived in the old Choctaw nation in Mississippi and Alabama at that time or not--- in 1830? A No sir, I don't.
- Q Do you know whether any of your Choctaw ancestors moved from the old Choctaw nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between 1833 and 1838, when the Choctaws moved over here? A My grandfather Zachariah Bottoms came here with the Indians.
- Q Do you know what year he moved here? A No sir, I don't.
- Q Was he a married man when he moved here? A Yes sir.
- Q Did Zachariah Bottoms ever receive any lands in the old Choctaw Nation in Mississippi and Alabama from the United States government as a Choctaw Indian? A Not that I know of. I don't think that he did.
- Q Do you know of the existence of any proof of any kind that you could bring to the Commission to show that he did receive land from the United States government as a Choctaw Indian?
- A No sir, I can't.

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- Q But it is your family history and you know that your family moved to the Indian Territory with the Choctaws from Mississippi?
- A Yes sir, he came here with them when they moved here.
- Q Did Zachariah Bottoms live and die in the Indian Territory, after he came over here? A Yes sir.
- Q Do you know where he is buried? A No sir, but I can find out.
- Q He always lived in the Choctaw Nation, Indian Territory, after moving over here? A No sir, he went to Texas but he didn't stay long. He lived in Texas some, but he came back here and died here.
- Q He was recognized as a Choctaw Indian by the Choctaw tribal authorities in Indian Territory, here? A I don't know. He was never on the roll. My grandfather was never on the roll.
- Q But that he came here with the Indians when they moved from the old Nation? A Yes sir.
- Q And associated with them and lived with them? A Yes sir.
- Q Did you ever make application to the Choctaw tribal authorities for recognition as a Choctaw Indian? A No sir.
- Q You never went before the Choctaw council and asked to be admitted to citizenship in the Choctaw nation did you? A No sir.
- Q You never then have been recognized as a Choctaw Indian by the Choctaw tribal authorities have you? A No sir.
- Q Did you ever know your grandfather Zachariah Bottoms? Ever see him? A Yes sir.
- Q About how old a man was he when he died? A He was eighty-nine I believe; I wouldn't be positive.
- Q How long has he been dead? A He's been dead three years in July.
- Q Then if he was living now he would be about ninety-two years of age? A Yes sir.
- Q It is your family history then that your grandfather Zachariah Bottoms didn't stay in the old Choctaw nation to take lands, but did move to the Choctaw Nation, Indian Territory, with the Indians when they moved away? A Yes sir.
- Q What relation is Julia A. Whittington to you? A She's a sister.
- Q What relation is George W. Atwood to you? A Cousin; mother's sister's child.
- Q What relation is Francis M. Montgomery to you? A He's my mother's sister's child; cousin.
- Q What relation are you to Zachariah Thomas Bottoms? A Tom Bottoms was a cousin of mine.
- Q He was a cousin of yours? A Yes sir.
- Q Do you know William Alexander Bottoms? A Not by that name.
- Q Do you know Alex Bottoms? A Yes sir.
- Q What relation is he to you? A He's an uncle.
- Q Do you know William Fletcher Bottoms? A No sir.
- Q Do you know William Henry Bottoms? A No sir, not by them names I don't know them.
- Q Do you know Rebecca Morrow? A No sir.
- Q Do you know Newton Wesley Bottoms? A No sir.
- Q Do you know Pearl Putnam? A No sir.
- Q Do you know Elizabeth Segroves or Thomas W. Segroves?
- A Thomas W. Segroves is my uncle.

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- Q Is he your uncle by marriage? A Yes sir.
Q Bettie Segroves his wife? A Yes sir.
Q Do you know a family by the name of Kirkland? A Yes sir.
Q Give the names of some of them? A Kirkland---Bill Kirkland.
Q That's the same as William I guess? A Yes sir. I don't know the names of any of the rest of them.
Q Know Joe or Joseph Kirkland? A No sir.
Q Do you know Eldridge Kirkland? A Yes sir.
Q What kin is he to you? A Third cousin.
Q Any of these people ever been enrolled as citizens of the Choctaw Nation? A Yes sir.
Q Do you know how they were enrolled? A No sir, they's put on the rolls. That all I know.
Q Who by? Order of Court, by the tribal authorities or Dawes Commission? A By order of Court I think.
Q By order of Court? A Yes sir, J. P. Sharp was their attorney.
Q Do you know Annie Steppick? A Yes sir.
Q What kin is she to you? A Third cousin.
Q Was she enrolled by order of court also? A I think so.
Q Do you know Mrs. Esley Mainnard? A Yes sir.
Q What kin is she to you? A She's a third cousin I believe.
Q Was she enrolled by order of court too? A Well, I couldn't tell you. She's on the tribal rolls.
Q She's on the tribal rolls? A Yes sir.
Q How did she get on the tribal rolls? Prove her rights?
A Yes sir, I know she's on the tribal rolls for we got her affidavit.
Q What kin was she to Zach Bottoms? A She was his niece I think
Q Was not his sister then; she testifies that she is his sister?
A Well, that may be. Of course that's so long ago I don't remember. Its on the affidavit; sister's child isn't it?
Q No, the affidavit shows that she is a sister of Zachariah Bottoms, but there has been an erasure made in the affidavit which originally read "that she was a daughter of a brother of Zachariah Bottoms and that is according to your understanding is it?"
A Yes sir, her father---
Q Her father was a brother of Zachariah Bottoms? A Yes sir.

The records show that Usley Mainnard was admitted by order of the United States Court, citizenship case #115.

- Q Is there any further statement you want to make Mrs. Childress?
A No sir, I think not. That's all you want to know. Now I wanted to know what more testimony you wanted?

By the Commission:

This is the final hearing. If you have nothing else to offer at this time the case will be sent up to the Secretary of the Interior.

By the applicant:

Then the testimony I have got is all right?

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By the Commission:

I cant tell you what the decision will be. The case will be decided on just such testimony as you have offered, and the testimony you have offered to-day. You say you have nothing else to offer.

Q Do you speak or understand the Choctaw language? A No sir.

The applicant has black hair, grayish brown eyes, medium fair complexion, doesn't speak or understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830; testifies that her grandfather Zach Bottoms would be about ninety-two years of age if living at this time, having died three years ago at the age of eighty-nine; rowd to the Choctaw Nation, Indian Territory, with the emigration of the Choctaws from the old Choctaw Nation in Mississippi and Alabama; has no knowledge of the year in which this removal took place.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of January, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 16th day of January, 1902.


Notary Public.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Eudora Childress, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Eudora Childress, et al.,	M.C.R. 282
Julia A. Whittington, et al.,	M.C.R. 4303
George W. Atwood, et al.,	M.C.R. 4304
Francis M. Montgomery,	M.C.R. 4305

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together with
the page occupied by each in said record.

Original application of Eudora Childress, et al., before
the Dawes Commission for identification as Mississippi
Choctaws,

Affidavit of Mrs. Bettie Segroves,

Affidavit of Tom Segroves,

Affidavit of Mrs. M.A. Steppick,

Affidavit of Mrs. Usley Mennard,

Letter of C.V. and Dora Childress,

Decision of the Commission denying the application
of Eudora Childress et al. for identification as
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Copy of letter of the Commission transmitting decis-
ion to Eudora Childress,

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Registry receipt,	12
Original application of Julia A. Whittington et al., before the Dawes Commission for identification as Mississippi Choctaws,	13
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Certified copy of the petition filed in citizenship case #115, Z.T.Bottoms et al. v. Choctaw Nation,	19
Affidavit of Thomas W. Segroves,	29
Affidavit of Catherine Franklin,	30
Affidavit of Sam Perry,	31
Affidavit of John Logan,	33
Affidavit of Minerva Anderson,	35
Affidavit of John Freeman,	36
Affidavit of Usley Mainnard,	37
Affidavit of Eldridge Kirkland,	39
Affidavit of Thomas Segroves,	40
Affidavit of Elizabeth Segraves	41
Affidavit of Z.T.Bottoms,	42
Affidavit of Nancy Steppick,	43
Affidavit of Zack Bottoms,	44
Certificate of James W. Hocker,	45
Affidavit of Thomas Atwood,	46
Affidavit of William Fletcher Bottoms,	47
Affidavit of Mary C. Sexton,	48
Certified copy of judgment in case Number 115, Z.T.Bottoms et al. v. Choctaw Nation,	49
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Application for appeal by Julia Whittington,	55
Original application of George W. Atwood et al. before the Dawes Commission for identification as Mississippi Choctaws,	56
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Affidavit of Thomas W. Segroves,	73
Affidavit of Catherine Franklin,	74
Affidavit of Sam Perry,	76
Affidavit of John Logan,	77
Affidavit of Minerva Anderson,	79
Affidavit of Joseph Freeman,	80
Affidavit of Usley Mainnard,	81
Affidavit of Eldridge Kirkland,	83
Affidavit of Thomas Segroves,	84
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Affidavit of Z.T. Bottoms,	86
Affidavit of Nancy Steppick,	87
Affidavit of Zack Bottoms,	88
Certificate of James W. Hocker,	89
Affidavit of Thomas Atwood,	90
Affidavit of William Fletcher Bottoms,	91
Affidavit of Mary C. Sexton,	92
Certified copy of judgment in case of Z.T. Bottoms et al. v. Choctaw Nation, #115,	93
Certificate of C.M. Campbell,	95

Certificate of birth of Wiley Wesley Atwood,	96
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Application for appeal by George W. Atwood,	100
Original application of Francis M. Montgomery before the Dawes Commission for identification as a Mississippi Choctaw,	101
Written petition of F. M. Montgomery,	102
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Affidavit of John Logan,	120
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Affidavit of William Fletcher Bottoms,	134
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Certified copy of judgment in case #115, Z.T. Bottons et al. v. Choctaw Nation,	136
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Decision of the Commission denying the application Francis M. Montgomery, for identification as a Miss- issippi Choctaw,	139
Copy of letter of the Commission transmitting decision to Francis M. Montgomery,	140
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Application for appeal by Francis M. Montgomery,	142
Copy of Departmental letter transmitting application of Eudora Childress et al. to the Commission for re-hearing,	143
Copy of letter of the Commission to the Commissioner of Indian Affairs notifying him of re-hearing and con- solidation of the within applications,	144
Copy of letter of the Commission to Messrs. Mansfield McMurray & Cornish, attorneys for the Choctaw and Chick- asaw Nations, of like import,	145
Copy of letter of the Commission to Messrs. Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of like import,	146
Copy of letter of the Commission to J.F. Sharp, at- torney for applicants, of like import,	147
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Copy of letter of the Commission to Eudora Childress, one of the applicants, of like import,	149
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Copy of letter of the Commission to Julia A. Whitting- ton, one of the applicants, of like import,	152
Copy of letter of the Commission to Francis M. Mont- gomery, one of the applicants, of like import,	154
Copy of letter of the Commission to J.F. Sharp, attor- ney for applicants, denying his request for a contin- uance,	155

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Transcript of the proceedings at the re-hearing on
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to the case of G.W. Atwood, 167

Final decision of the Commission in the consolidated applica-
tion of Eudora Childress et al. for identification as Miss-
issippi Choctaws, refusing said application, 168.

REFER TO M. C. R. 282

Consolidated Cases

J
Endora Children et al

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for identification as Mississippi Choctaws of Eudora Childress and minor children, heard at Colbert, Indian Territory, June 18, 1900, M.C.R.282.

In the matter of the application for identification as Mississippi Choctaws of Julia A. Whittington et al., heard at Colbert, Indian Territory, June 20, 1900, M.C.R.4303.

In the matter of the application for identification as Mississippi Choctaws of George W. Atwood et al., heard at Colbert, Indian Territory, June 20, 1900, M.C.R.4304.

In the matter of the application for identification as a Mississippi Choctaw of Francis M. Montgomery, heard at Colbert, Indian Territory, June 20, 1900, M.C.R.4335.

Eudora Childress the principal applicant and all the other applicants apply for identification as Mississippi Choctaws claiming descent from William Bottoms who was called "Uncle Billie Bottoms" and whose Indian name was Nockatubbee, who was possessed of one-half or three-fourths Choctaw blood, and his wife Ann Meshalatubbee a full blood Indian, who were the parents of

Thomas Bottoms, deceased,
Eldridge Bottoms, deceased,
Seth Bottoms, deceased,
Nelson Bottoms, deceased,
Smith Bottoms, deceased,
Zachariah Bottoms, deceased,
Pruda Kirkland, nee Bottoms, deceased,
Piety Hill, nee Bottoms, deceased.

The following named descendants of the common ancestor William Bottoms appear of record as applicants for identification as Mississippi Choctaws: Grand-children and great-grand-children of Zachariah Bottoms:

Children and grandchildren of Mary Moore, nee Bottoms, deceased.

(Julia A. Whittington, nee Moore,
(and her children
(Arthur L. Whittington
(Katie Whittington
(Marian Whittington
(Rubie Whittington

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Children and grandchildren of
Mary Moore, nee Bottoms, de-
ceased. (Continued)

(Eudora Childress, nee Moore,
(and her children
(Buster Childress
(Charley Childress
(Rosie Childress
(Willie Childress
(Frankie Childress.

Children and grandchildren of
Annie Atwood, nee Bottoms, de-
ceased.

(George W. Atwood
(and his children
(George William Atwood
(Mary Atwood
(Rosey Atwood
(Wiley Wesley Atwood.

Child of Lucinda Montgomery, nee Bottoms, (
deceased. (Francis M. Montgomery.

The records show that M.C.R.4303, Choctaw R.658, Julia A. Whittington et al., M.C.R.4304, Choctaw R.659, George W. Atwood et al., M.C.R.4335, Choctaw R.666, Francis M. Montgomery, appeared before this Commission at Colbert, Indian Territory, on June 20, 1900, and made personal application for enrollment as citizens by blood of the Choctaw Nation and that said applications were refused under the law of June 28, 1898.

The applicants in these cases claim Indian descent from the same common ancestor in the case M.C.P.282 Eudora Childress et al., and the records are now consolidated with this case to be considered as Mississippi Choctaw cases.

The following named descendants of the common ancestor, William Bottoms, were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court, Southern District, Indian Territory, at Ardmore, Indian Territory, December 22, 1897, citizenship case No. 115, entitled Z. T. Bottoms et al., vs. the Choctaw Nation:

Children, grandchildren and great-grandchildren of Nelson Bottoms, deceased:

William Fletcher Bottoms, his
children and grandchildren.

(William Henry Bottoms
(and his children
(Rosa Belle Bottoms
(William Elmer Bottoms
(
(Rebecca Morrow, nee Bottoms,
(and her children
(William Fletcher Morrow
(Walter Morrow
(Letitia Morrow
(Jewel Morrow
(Reulah Morrow
(Minnie Morrow
(Winnie Morrow
(

(3)

William Fletcher Bottoms, his
children and grandchildren.
(Continued)

(Children of Newton Wesley Bottoms
(William Ira Bottoms
(Claudie McClellan Bottoms
(Bettie Jane Bottoms
(
(Pearl Putman, nee Bottoms,
(and her children
(Hattie Jane Putman
(Frankie Lee Putman
(
(Pauline Elizabeth Bennett,
(nee Bottoms.

Children and grandchildren of Smith Bottoms, deceased:

Zachariah Thomas Bottoms
and his children.

(William Luther Bottoms
(Francis Caroline Bottoms
(James Zachariah Bottoms
(Joseph Smith Bottoms
(Bertha May Bottoms
(September Bottoms
(Ester E. Bottoms.

Grand-children and great-grandchildren of Zachariah Bottoms, deceased:

Child and grandchild of
Alex Bottoms, deceased.

(William Alexander Bottoms
(and his child
(Allie A. Bottoms.

Child of Lucinda Montgomery,
nee Bottoms, deceased.

(
(Emmett Montgomery.

Elizabeth Seagroves, nee Bottoms
and her children.

(James B. Seagroves
(Samuel M. Seagroves
(Charles W. Seagroves
(George F. Seagroves
(Doc Thomas Seagroves
(William Cleveland Seagroves
(Zachariah Seagroves
(Paralee Seagroves.

Children, grandchildren and great-grandchildren of Pruda Kirkland, nee Bottoms.

Eldredge Kirkland and his children.

(Jessie Easter Kirkland
(Mary Pruda Kirkland
(William Walter Kirkland

(4)

	(Joseph Kirkland and his child
	(Beulah Kirkland
	(
	(William Kirkland and his children
	(Monte Kirkland
	(Lee Kirkland
Children and grandchildren of	(
William Kirkland, deceased.	(Laura Kirkland
	(
	(Inez Kirkland
	(
	(Roxie Kirkland
	(
	(Sallie Kirkland

Children, grandchildren and great-grandchildren of Piety Hill, nee Bottoms, deceased.

	(Nancy M. Steppick and her children
	(by her first and second marriages,
	(John H. Gregory
	(Charlie Franklin Steppick
	(William Oscar Steppick
	(Thomas Joseph Steppick
	(George Washington Steppick
	(Bettie L. Steppick
Ulsey Mainard and her children	(
by her first and second marriages,	(Marcus L. Ivy and his children
and her grandchildren.	(William J. Ivy
	(Thomas J. Ivy
	(Nora E. Ivy
	(Lewis A. Ivy
	(
	(Thomas L. Ivy
	(
	(Elisha W. Ivy and his child
	(Bertie Ivy

The judgment above cited also admits as citizens of the Choctaw Nation by blood: Sallie Gracie Kirkland, James L. Ivy and Bertha Annie Bottoms.

By subsequent proceedings of the said court had on the 3rd day of March, 1899, the names of the said Sallie G. Kirkland, James L. Ivy and Bertha Annie Bottoms were stricken from said original judgment.

The record shows that on September 8, 1896, parties plaintiffs in said judgment number 115 in the United States Court for the Southern District, Indian Territory, filed with this Commission their petitions to be admitted as citizens of the Choctaw Nation. Answer of the Choctaw Nation duly filed. On December 1, 1896, petition denied. Notice of appeal duly filed and judgment as aforesaid.

(5)

The following named descendants of the common ancestor, William Bottoms, were admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, Indian Territory, January 18, 1898, in citizenship case number 54, entitled Louis Hill vs. the Choctaw Nation:

Grandchildren and great-grandchildren of Piety Hill, nee Bottoms, deceased.

Child and grandchildren of Mary Humphreys, nee Hill, de- ceased.	(G. J. Humphreys (and his children (William Walter Humphreys (Cullas Monroe Humphreys (Elliott Lerow Humphreys
--	--

Lewis Hill, his children and grandchildren.	(J. Wesley Hill (and his child (Bertie Bell Hill ((Child of Sarah Jane Blagg, nee Hill, (Joseph Lewis Blagg ((William B. Hill ((Elizabeth Palmer, nee Hill, (and her children (George Allen Palmer (Lee H. Palmer (Earl Palmer.
--	---

Child and grandchild of Jane Reagan, nee Hill, deceased.	(Katie Crawford, nee Reagan, (and her child (Nora Lee Crawford.
--	---

The record shows that on September 9, 1896, parties plaintiffs in the said judgment number 54 of the United States Court, Central District, Indian Territory, at South McAlester, Indian Territory, filed with this Commission their petitions to be admitted as citizens of the Choctaw Nation. Answer of the Choctaw Nation duly filed. On December 1, 1896, petitions denied. On January 26th and 30th, 1897, notice of appeal filed; judgment as aforesaid.

The following named persons who are shown by the record to be descendants of the common ancestor, William Bottoms, have failed to enter appearance or in any manner prosecute before this Commission any rights which they may have as Mississippi Choctaws:

Newton Wesley Bottoms
Samuel Bottoms
Bertha Annie Bottoms

(6)

D. O. Moore
Zachariah Moore
Maud Montgomery
Nora Montgomery
Minnie Montgomery
Susan Montgomery
Bertha Montgomery
Sallie Grace Kirkland
Charlie Kirkland
Sarah Hill
John Hill
Edna Hill
Robert Hill
William Hill
Sarah Jane Blagg, nee Hill,
Suvanna Farmer, nee Reagan,
and her children

Lizzie Farmer
Willie Farmer
Lafayette Farmer
Katie Farmer

Rebecca Powell
and her children
James Powell
Cordie Powell
and three other children (names not given)

James Reagan and child (name not given)

John Reagan
Bettie Barrett, nee Hill, and child (name not
given)

The records of the Commission show the following persons appeared at Durant, Indian Territory, in 1899, and applied for enrollment as citizens by blood of the Choctaw Nation, and their said applications were denied under the law of June 28, 1898.

Choctaw R. 93 Susanna J. Farmer and her children.
(Lizzie J. Farmer
(William A. Farmer
(Lafayette K. Farmer
(Katie C. Farmer
(Archie L. Farmer

Choctaw R. 237 Rebecca E. Powell

Choctaw R. 251 John H. Reagan

Choctaw R. 250 James M. Reagan.

These applicants have made no appearance before the Commission to prosecute any rights which they may have as Mississippi Choctaws, and are listed in this statement as non-applicants.

(7)

Thomas W. Seagroves: The judgment 115, United States Court, Southern District, at Ardmore, Indian Territory, orders this party enrolled as a citizen of the Choctaw Nation. The records show that he is the husband of Elizabeth Seagroves, nee Bottoms. The judgment does not specify his admittance to citizenship by intermarriage. There is no claim made for him in the record as a descendant of the common ancestor.

The applicants in these several cases are residents of the Indian Territory.

P r o o f .

In the case M.C.R. 282, Rudora Childress, the proof is the oral testimony of the applicants supported by affidavits of Bettie (Elizabeth) Seagroves, Tom (Thomas W.) Seagrove, N. A. Stippeck and Ulsey Mainard. These affiants are parties plaintiffs in the judgment 115 of the United States Court, Southern District, Ardmore, Indian Territory, herein cited, and testify to the blood relationship they bear to the applicant. The applicant testifies orally that she has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty between the United States and the Choctaw tribe of Indians concluded September 27, 1830.

Cases M.C.R. 4303, Julia Whittington et al.; 4304, George W. Atwood et al.; 4355, Francis M. Montgomery: The proof submitted in these cases is a certified copy of the records in citizenship case number 115, Z. T. Bottoms et al. vs. the Choctaw Nation.

Proof shows that William Bottoms, the common ancestor, moved to the Choctaw Nation, Indian Territory, with the removal of the Choctaw Indians in Mississippi some time prior to the year 1840, and resided near Doakville, in the Choctaw Nation, Indian Territory. (See record in judgment number 115 cited).

The proof also shows that William Bottoms, the common ancestor, died in Cherokee County, Texas, about 1863 (See the affidavit of Elredge Kirkland, part of the records in the judgment above cited).

The evidence tends to show the line of descent claimed by the applicants from William Bottoms.

There is no proof before the Commission, either oral or documentary, tending to show that the common ancestor, William Bottoms, prior to his removal from the state of Mississippi and Alabama to the Choctaw Nation, Indian Territory, complied with or attempted to comply with any of the provisions of the fourteenth article of the treaty between the United States and the Choctaw tribe of Indians concluded at Dancing Rabbit Creek, Mississippi, September 27, 1830, nor is there any proof before the Commission, either oral or documentary, tending to show that any of the chil-

(8)

dren of the common ancestor, William Bottoms, were married and heads of families and recognized members of the Choctaw tribe of Indians in Mississippi and Alabama at the time of the conclusion of said treaty, or that any of the children of said common ancestor ever complied with or attempted to comply with any of the provisions of said treaty of 1830.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Eudora Childress,
et al., for identification as Mississippi Choctaws, con-
solidating the applications of:

Eudora Childress, et al.,	M.C.R. 282
Julia A. Whittington, et al.,	M.C.R. 4303
George W. Atwood, et al.,	M.C.R. 4304
Frances M. Montgomery,	M.C.R. 4335

D E C I S I O N

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Eudora Childress for herself and her five minor children,
Buster, Charley, Rosie, Willie and Frankie Childress; by Julia A.
Whittington for herself and her four minor children, Arthur L.,
Katie, Marian and Ruby Whittington; by George W. Atwood for himself
and his four minor children, George William, Mary, Rosey and Wiley
Wesley Atwood and by Frances M. Montgomery for himself, under the
following provision of the act of Congress approved June 28, 1898,
(30 Stats. 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twentyseventh, eighteen hundred and thirty, by reason of being descendants of one Zachariah Bottoms, who is alleged to have been a three quarters blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

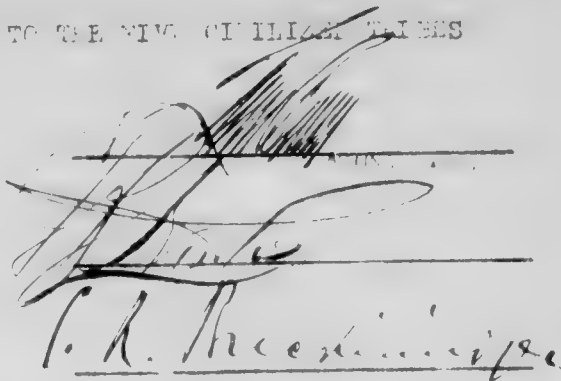
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 481.)

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Zachariah Bottoms, or any of the applicants herein, signified, (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 120) and August 13, 1842,

(5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marian Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rosey Atwood, Wiley Wesley Atwood and Frances W. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE NINE CIVILIZED TRIBES



C. H. McEachern

Commissioners

Muskogee, Indian Territory

JUN 1 1900

REFER TO M. O. R. 282

Consolidated Cases

Eudora Chedours et al

William Bottoms
 " $\frac{1}{2}$ or $\frac{3}{4}$ Cherokee Indian
 Called "Uncle Willie Bottoms"
 Indian Name "Rockatubba"
 Married
 Ann Muckatubba
 Full blood

Thomas Bottoms, Dead,
 Eldridge Bottoms, Dead,
 Seth Bottoms, Dead,

Nelson Bottoms, Dead,
 married
 Callie Callie Arnold, Dead,

Smith Bottoms, Dead,
 married
 Nancy Kirkland, Dead

Zachariah Bottoms, Dead,
 married
 Elizabeth Waters, Dead,

Prude Bottoms, Dead,
 married
 William Niram Kirkland
 Dead

Pity Bottoms, Dead,
 married
 Benjamin Hill, Dead,

Page 2

Page 3

Page 4

Page 5

Page 6

Nikora Bottoms

Ann Henry Bottoms
Admitted by U.S. Court
married
Fredonia Boshier White

Rosa Belle Bottoms, 17 admitted by U.S. Court
William Elmer Bottoms, 12

Rebecca Bottoms
Admitted by U.S. Court
married
John W. Morrow

William Hatcher Morrow, 16 admitted by U.S. Court
Walter Morrow, 14
Leticia Morrow, 13
Gert Morrow, 9
Rulah Morrow, 7
Minnie Morrow, 3
Winice Morrow, 3m

William Hatcher Bottoms
Admitted by U.S. Court
married
Latha Jane Boyd

Newton Wiley Bottoms
Admitted by U.S. Court
married
Mary L. Stafford

William Ira Bottoms, 7
Claudie William Bottoms, 3
Bettie Jane Bottoms, 7m

Pearl Bottoms
Admitted by U.S. Court
married
Ezekiel Putnam

Mattie Jennie Putnam, 6 admitted by U.S. Court
Frankie Lu Putnam, 2

Pauline Elizabeth Bottoms
Admitted by U.S. Court
married
Orton Bennett

Smith Bottoms

Page 3

Zachariah Thomas Bottoms
names is admitted by the Court
7/07/15
Emeline Sherwood

William Lark Bottoms 17 admitted by U.S. Court No 715

Francis Caroline Bottoms 14 " " " "

James Zachariah Bottoms 12 " " " "

Joseph Smith Bottoms 10 " " " "

Bertha May Bottoms 8 " " " "

Ephraim Bottoms 3 " " " "

Samuel Bottoms 3 Name does not appear in document

Ester E Bottoms 1 admitted by U.S. Court No 715

Smith Bottoms, Dead,

William Bottoms, Dead

Alex Bottoms, Dead
married

Mary Horner, Dead

Nancy Bottoms, Dead,

Annie Bottoms, Dead,
married

Edgar Atwood, Dead,

Zachariah Bottoms

Mary Bottoms Dead
married

N.B. Moore Dead

William Alexander Bottoms

married

Cyrena M. Gray

1815

Ellis F. Bottoms

admiral of U.S. Com. 1871

Bertha Annie Bottoms

Thomas Atwood

married by U.S. Com. 1871

George W. Atwood 35

married

Willie

George William Atwood 12

Mary Atwood 8

Rosie Atwood 4

Willie Worley Atwood 6 m

R.O. Moore

Zachariah Moore

Julia A. Moore

married

J.T. Whittington, white

Arthur L. Whittington 12

Katie Whittington 9

Marian Whittington 4

Rubie Whittington 3

Endora Moore

married

Geo. W. Children, white

Buster Children 10

Charley Children 8

Ronnie Children 7

Willie Children 3

Frankie Children 3

Lucinda Bottoms Dead
 married
 Sam Montgomery, Dead,

Zachariah Bottoms
 Dead

Elizabeth Bottoms
 married
 Thomas W. Segroves
 admitted by US Court
 7/15

328
 Francis Maria Montgomery
 Maude Montgomery
 Nora Montgomery
 Emmett Montgomery
 Minnie Montgomery
 Thos. Montgomery
 Bertha Montgomery

James B. Segroves 25 admitted by US Court 7/15
 Samuel M. Segroves 24
 married
 Elsie T. Capps
 Charles W. Segroves 19
 George F. Segroves 16
 Doc. Thomas Segroves 14
 William Cleveland Segroves 9
 Zachariah Segroves 6
 Parale Segroves 14

Prada Bottoms _____
 married
 William Hiram Kirkland

Eldredge Kirkland married to Phelia Tilton 1815

William Kirkland
marries Ned
Charles Gallagher

Jessie Ester Kirkland	14
Mary Prada Kirkland	12
William Della Kirkland	9
Sallie Grace Kirkland	

Charlie Kirkland 28

Joseph Kirkland 2d
married admitted by H. S. S.
Ermina Jones 17th 1876

William Kirkland 22
married a daughter of Wm
J. Locke 2015

Laura Kirkland 19
 M. Kirkland 17

Roxie Kirkland. ^{admitted} 12
Callie Kirkland. ^{admitted} 9

to 28 m at T_{max}

collected by U.S. Court House
 " " " " " "
 " " " " " "
 Name & taken from judgment by U.S. Court.

5 Burlak Kirkland
a son of by US Court 1841/5

Monte Kirkland Adm. by A.S. Court 7/27/15
Lee Kirkland " " " 7/27/15

201 Jan. 4

Uley Hill
married

- 1st William Palmer, Deed.
2^d Marcus L. Jory, Deed.
3^d Jeff Mainnard

Pity Bottoms
married deed
Benjamin Hill
Deed

Mary Hill, Deed
married
Lox Humphreys

Sarah Hill
John Hill

Nancy Ann Jory
married
admitted by U.S. Court
No 115

- 1st John H. Gregory, Deed.
2^d Joseph A. Stappick

Marcus L. Jory
married
admitted by U.S. Court
No 115
Mary L. Lairy

Thomas L. Jory
married
admitted by U.S. Court
No 115
Lou N. Draman

Elisha W. Jory
married
admitted by U.S. Court
No 115
Clenna White

G. J. Humphreys
married
admitted by U.S. Court
No 115
Minnie L. Price

John H. Gregory
admitted by U.S. Court No 115
Charles Franklin Stappick
admitted by U.S. Court No 115
William A. Stappick
admitted by U.S. Court No 115
Thomas Joseph Stappick
admitted by U.S. Court No 115
George Washington Stappick
admitted by U.S. Court No 115
Betty L. Stappick
admitted by U.S. Court No 115

Thomas L. Jory
admitted by U.S. Court No 115
William J. Jory
admitted by U.S. Court No 115
Thomas J. Jory
admitted by U.S. Court No 115
Nora E. Jory
admitted by U.S. Court No 115
Lewis A. Jory
admitted by U.S. Court No 115

Bertie Jory
admitted by U.S. Court No 115

William Walter Humphreys
admitted by U.S. Court No 115
Culla Monroe Humphreys
admitted by U.S. Court No 115
Ellott Lewis Humphreys
admitted by U.S. Court No 115

Ebra Hill
Robert Hill
William Hill

Louis Hill
married ^{admitted by US court}
name of wife not given

Perty Bottom
Married
Benjamin Hill
Dead

Jane Hill Dead
Married
James Reagan Dead

Belle Hill
married
David Barrett

J Wesley Hill
married ^{admitted by US court}
Harrington

Sarah Jane Hill
married
J. J. Blagg

William B. Hill ^{admitted by US court}

Elizabeth Hill
married ^{admitted by US court}
Lass Palmer

Nate Reagan
married ^{admitted by US court}
Urban Crawford

Livanna Reagan
married
Farmer

Rebecca Reagan
married
Bill Powell

James Reagan
married
Elsie Walker

John Reagan
One child name not given

Bertie Bell Hill ^{admitted by US court}

Joseph Lewis Blagg
^{admitted by US court}

George Allen Palmer 1st
Lucy H. Palmer 5
Earl Palmer 2

Nora Lee Crawford

Lizzie Farmer
Willie Farmer
Lafayette Farmer
Nate Farmer

James Powell
Oddie Powell
3 others name not given

One child name
not given

Muskegee, Indian Territory, August 24, 1900

Mr. George W. Childers,
Sulphur, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th inst enclosing affidavits to file in the matter of the application for identification as Mississippi Choctaws of Eudora Childers and of her five minor children.

The same have been duly filed with the records of this Commission.

Yours truly,

Acting Chairman.

M. C . R-282.

Muskogee, Indian Territory, September 17, 1900.

George W. Childress,

Sulphur, Indian Territory.

Dear Sir:

The Commission is in receipt of yours of the 13th instant, in the matter of the application made by your wife on behalf of herself and her five minor children for identification as Mississippi Choctaws and in which you state that there were some mistakes made by the stenographer who took down the testimony at the time of your wife's appearance before the Commission and also that some of the answers to the questions propounded to her have been erroneously transcribed. Your letter will be filed with the other papers in this case and will be transmitted to the Secretary of the Interior together with the record when this case is forwarded for his consideration.

Your case as far as the Commission is concerned is closed, the Commission having fully heard the oral testimony of your wife and also received and filed the written evidence submitted by her in support of that application and after considering the same carefully has been unable to identify your wife and children as Mississippi Choctaws entitled to rights in the Choctaw land under the fourteenth article of the treaty of 1830.

Yours truly,

In reply please
refer to M. C. R-282

Acting Chairman.

Waskogee, Indian Territory, August 6, 1901.

Mr. G. W. Childress,

Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 29, in which you ask to be advised what disposition has been made of the claim of your wife Dora Childress.

In reply to your letter you are informed that it appears from our record that on June 18, 1900, Eudora Childress applied for identification of herself and her minor children as Mississippi Choctaws. On September 6, 1900, a letter was addressed to Eudora Childress, at Sulphur Springs, Indian Territory, enclosing a decision refusing her application for the identification of herself and her minor children as Mississippi Choctaws. On December 3, 1900, the original record in this case was forwarded to the Secretary of the Interior. Since that time the Commission has had no instructions from the department relative to this application. When such are received the Commission will notify you of the action taken by the Secretary of the Interior.

Yours truly,

Muskogee, Indian Territory, December 6, 1901.

George W. Childress,

Sulphur, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 1, in which you ask to be advised concerning the status of the application of your wife, Dora Childress, for the identification of herself and her minor children as Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that Rudora Childress, wife of George W. Childress, applied for identification for herself and five minor children as Mississippi Choctaws, at Colbert, Indian Territory, June 18, 1900. On September 4, 1900, a decision was rendered, refusing this application, and a copy was mailed to the applicant. On December 3, 1900, the record in this case was transmitted to the Secretary of the Interior. On July 27, 1901, the Department returned this case to the Commission with instructions that the applicant be given opportunity to introduce additional testimony in support of her application. In accordance with such instructions, at the office of the Commission at Muskogee, Indian Territory, on Wednesday, January 15, 1902, at nine o'clock A. M., there will be heard the testimony of such wit-

G.W.C. 2

nesses as may present themselves in support of the application of
Eudora Childress for the identification of herself and her minor
children as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

MCR 282

Muskogee, Indian Territory, December 9, 1901.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Wednesday, January 15, 1902 at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the cases of Eudora Childress, et al., George Atwood, et al., and Julia A. Whittington, et al.

Yours truly,

Commissioner in charge

Y. C. 282
M. C. 4303
M. C. 4304

Muskogee, Indian Territory, December 2, 1901.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Wednesday, January 15, 1902, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the cases of Eudora Childress, et al., Julia A. Whittington, et al., and George Atwood, et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M. C. 282.

Commissioner in charge.

Muskogee, Indian Territory, December 9, 1901.

Mudora Childress,

Sulphur, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and five minor children you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in support of your application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Wednesday, January 15, 1902, at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 153.

Commissioner in charge.

Muskogee, Indian Territory, December 9, 1901.

The Commissioner
of Indian Affairs,

Sir:

In the matter of the application for identification as Mississippi Choctaws of Rudora Childress, et al., record of which was returned with letter of your office of July 27, 1901, with instructions for further hearing, you are informed that this case will be considered together with the cases of Julia A. Whittington et al., ^{and} George W. Atwood, et al., applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, their attorneys and the attorneys for the Choctaw Nation that additional testimony of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory on Wednesday January 15, 1902 at nine o'clock A. M.

Yours truly,

Muskogee, Indian Territory, December 13, 1901.

G. W. Childress,
Sulphur, Indian Territory,
Dear Sir:

Receipt is hereby acknowledged of your letter of recent date, in which you state that you will be at Muskogee on January 15, 1902, the date on which the case of Kudora Childress, an applicant for identification as a Mississippi Choctaw, is set for re-hearing, and that you will bring your witnesses in person if the Commission so desires.

In reply to your letter you are advised that at Muskogee, Indian Territory, on January 15, 1902, the Commission will hear the testimony of such witnesses as may appear in person to testify in behalf of your wife's claim to identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 11, 1901.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw Nation,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Wednesday, January 15, 1902, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the case of Francis M. Montgomery, applicant to this Commission for identification as a Mississippi Choctaw.

Yours truly,

M. C. 282.

Commissioner in charge.

Muskogee, Indian Territory, December 11, 1901.

J. V. Sharp,

Attorney at Law,

Pawcell, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Wednesday, January 15, 1902, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the case of Francis M. Montgomery, applicant to this Commission for identification as a Mississippi Choctaw.

Yours truly,

M. C. 282.

Commissioner in charge.

Muskogee, Indian Territory, January 7, 1902.

C. W. Childress,

Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you state that you are in receipt of a letter from your wife's uncle and aunt of Marietta, Indian Territory, stating that it is impossible for them to make the trip to Muskogee in person as their health is very bad and they are quite old.

You further state that it will be impossible for your wife, Rudora Childress to have her witnesses appear before the Commission at Muskogee on January 15, 1902 and you desire that the Commission send some representative to Marietta to take the affidavits of Tom Segroves, Bell Segroves, Sam and J. Segroves all of that place and also requesting that such representative come to Sulphur, Indian Territory, for the purpose of taking your wife's statement.

Replying to your letter you are informed that the Commission cannot comply with your request to delegate some representative to go to Marietta and Sulphur, Indian Territory, for the purpose of hearing the testimony of the witnesses enumerated by

C W C B

you in support of the application of your wife and her aunt and uncle for identification as Mississippi Choctaws. The case of your wife was originally heard at Colbert, Indian Territory, June 18, 1900, and from that date up until September 1, 1900, she was granted the opportunity of introducing any additional evidence that she might have desired in support of her application for identification as a Mississippi Choctaw. It is noted that she availed herself of this opportunity by the submission of several affidavits and on September 4, 1900, the Commission being unable from the evidence submitted to identify Eudora Childress and her children as Mississippi Choctaws, refused the application made by her and she was so notified. The record so made was then transmitted to the Secretary of the Interior for his approval of the Commission's action and was on July 27, 1901, returned to the Commission with instructions that a further opportunity be granted the applicant for the introduction of such evidence as she might desire to present in support of her claim at such time and place as the Commission might set, provided that thirty days notice of the hearing of such testimony be first given the parties in interest, their attorneys and the attorneys for the Choctaw Nation. The Commission has fully complied with the Departmental instructions in this respect and has notified your wife, her attorney of record, Mr. J. F. Sharp of Purcell, Indian Territory, and the several

Q W W 3

other persons interested in this application that the Commission would hear the testimony of the applicants or their witnesses at the office of the Commission at Muskogee, Indian Territory, January 15, 1902, at 9 o'clock A. M., and on that date and at the time mentioned in such notice the Commission will call these several cases for hearing and if no appearance be made by the several parties in interest it will be the conclusion of the Commission that it is not the intention of the applicants to further prosecute such rights as they might have to identification as Mississippi Choctaws.

This case has now been pending before the Commission for over a year and a half and has once been submitted to the Department and it is the earnest desire of the Commission that at as early a date as possible to resubmit the same for final consideration.

The Commission is extremely averse to any continuance of these remanded cases where a date has been set for the hearing of additional testimony and cannot grant such continuance unless a sufficient reason by all the parties in interest and to be determined by the Commission is shown. Under no circumstances can the Commission designate representatives to visit localities throughout the Indian Territory for the purpose of hearing testimony of witnesses in these cases.

Yours truly,

MCR 262

COPY. M.C.R. 253

Muskogee Indian Territory, June 5, 1902.

J. F. Gary,

Attorney at Law,

Pursell, Indian Territory.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rudora Childress, et al., embracing the following applications for identification as Mississippi Choctaws:

Rudora Childress, et al.,	M.C.R. 222
Julia A. Whittington, et al.,	M.C.R. 4303
George W. Atwood, et al.,	M.C.R. 4304
Frances M. Montgomery,	M. C.R. 4338

These Applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marion Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rosey Atwood, Wiley Wesley Atwood and Frances M. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the

J. F. S. 42

provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the records in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Birby

Acting Chairman.

Registered.

282

J. F. Sharp atty

COPY

Muskogee Indian Territory, June 3, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Chickasaw and Choctaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of June, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eudora Childress, et al., embracing the following applications for identification as Mississippi Choctaws:

Eudora Childress, et al.,	M.C.R. 282
Julia A. Whittington, et al.,	M.C.R. 4303
George W. Atwood, et al.,	M.C.R. 4304
Frances M. Montgomery,	M.C.R. 4336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marian Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rosey Atwood, Wiley Wesley Atwood and Frances M. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that

K M & O 98

the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

James Blaisdy

Acting Chairman.

COPY.

Mustang Indian Territory June 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of *Buders Childrens, et al.*, applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 4, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Buders Childrens, et al.,	M.C.R. 282
Julia A. Whitlinton, et al.,	M.C.R. 4303
George W. Atwood, et al.,	M.C.R. 4304
Francois M. Montgomery,	M.C.R. 4338

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

VERNEBRO

Jame Dixey.

Through the Commissioner
of Indian Affairs.
1 enclosures

Acting Chairman

COPY. H. J. R. 282

Muskogee Indian Territory, June 8, 1902.

Eudora Childress,

Sulphur, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eudora Childress, et al., embracing the following applications for identification as Mississippi Choctaws:

Eudora Childress, et al.,	M.C.R. 282
Julia A. Whittington, et al.,	M.C.R. 4305
George W. Atwood, et al.,	M.C.R. 4304
Frances M. Montgomery,	M.C.R. 4336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marion Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rossey Atwood, Wiley Wesley Atwood and Frances M. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

2. C. 92

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James D. Dwyer

Acting Chairman.

Register.

(Copy)

Land

DEPARTMENT OF THE INTERIOR.

33,814-1902.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Endora Childress, et al.

The numerous applicants in this case all trace their lineage to a common ancestor, one William Bottoms, also known as Uncle Billie Bottoms, whose Indian name was Nockahtubbe. It is alleged that he was a half or three-quarter blood Choctaw Indian and married Ann Meshalahtubbe, a full blood Choctaw, in the State of Mississippi, and that they were the parents of eight children, some of whom are the ancestors of the applicants herein.

It appears from the record that the commission at divers times prior to July 27, 1901, heard the applications of the several applicants and the evidence submitted in support of same, and decided that the evidence offered did not support the claims of the applicants and their applications were refused. On said 27th day of July, 1901, the office returned, among others, this case to the commission for a further hearing, and thereupon the commission gave due notice to all the parties in interest that their applications would be further

considered on the 15th day of January, 1902, at which time additional testimony was submitted on the part of the applicants.

Afterwards on June 4, 1902, the Commission again rendered an opinion in this case and held that the evidence was insufficient to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw lands, and refused their applications therefor.

The record evidence shows that the applicants in this case, in a large measure, rest their rights upon the decision of the United States Court for the Southern District of the Indian Territory rendered on the 22d day of December, 1897, in the case of Zachariah T. Bottoms vs. Choctaw Nation, in which it was decided that a large number of persons related by blood to the applicants herein were entitled to enrollment as citizens of the Choctaw Nation.

In the record testimony the applicants do not claim that their ancestor or themselves ever complied with the 14th article of the treaty of September 27, 1830, but contend that they are Choctaw Indians by blood and that their ancestor removed to the Indian Territory with other Choctaw Indians soon after said treaty was consummated.

The record shows that some of the children of the said ancestor, William Bottoms, were old enough in 1830 to have been the head of a family, but an examination of the office records as to those Choctaws who went to the Indian country and those who remained in Mississippi and took land under the 14th article aforesaid, fails

---3---

to show that any person by the name of Bottoms ever removed from or remained in the State of Mississippi. Neither is the Indian name "Neokahtubbe" to be found on the recorded list of those who removed and those who remained.

So far as the office records show the said William Bottoms alias Uncle Billie Bottoms alias Neokahtubbe never held land in Mississippi or elsewhere under the provisions of article 14 of the treaty of 1830, nor ever attempted to comply with the provisions thereof.

The records in this office do not show that said ancestor ever went before either of the commissions appointed under the provisions of the Acts of Congress of March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513), nor is there any evidence in this office that any of his children took advantage of the provisions of said article or said acts..

While it would seem to be a hardship on the applicants to stand by and see their relatives, descendants of the same common ancestor, enjoying the benefits of citizenship by order of the said court, yet under the law the commission could not have rendered any other opinion than that of refusing to enroll the applicants here, which decision of the commission is hereby approved with the recommendation that the same be affirmed by the Department.

Very respectfully,
Your obedient servant,

A.C. Tenner,

Acting Commissioner

(W.C.B.)

P.

J.W.H.

D.C. 20573

COPY

JAMES.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 4458-1902.
File 896-1898.

October 29, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

June 5, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Endora Childress for herself and her five minor children, Buster, Charley, Rosie, Willie and Frankie Childress; of Julia A. Whittington for herself and her four minor children, Arthur L., Katie, Marian and Ruby Whittington; of George W. Atwood for himself and his four minor children, George William, Mary, Rosey and Wiley Wesley Atwood, and of Frances M. Montgomery for himself, including your decision of June 4, 1902, refusing to enroll the applicants.

The record also contains the applications of certain of the parties named above, for enrollment as citizens of the Choctaw Nation by blood. The members of the latter class are the descendants of Zack Bottoms, who was admitted to Choctaw citizenship by a decree of the United States District Court for the Southern District of Indian Territory, rendered December 22, 1897. As the Choctaw and Chickasaw citizenship court has jurisdiction in cases affecting so-called "court citizens", the Department will not at this time pass upon the rights of these applicants as citizens by blood of the Choctaw Nation.

---2---

These applicants are the descendants of Zack Bottoms. The latter was the son of William or Uncle Billy Bottoms, alias Neckah-tubbe, by his wife, Ann Meshat-at-tubbe, both of whom were nearly full blood Choctaw Indians.

The testimony as furnished by the record, fails to show that any of the ancestors of these applicants ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, nor do the records in your possession or those at the Indian Office furnish the necessary proof. It cannot therefore be said that the applicants have established their claim for identification as Mississippi Choctaws.

July 23, 1902, the Acting Commissioner of Indian Affairs recommended that your decision be approved. The Department concurs therein, so far as the rights of these applicants as Mississippi Choctaws are concerned, and your decision to that extent is affirmed. A copy of the Acting Commissioner's letter is inclosed herewith.

Respectfully,

(Signed)

E.A. Hitchcock,

Secretary.

1 inclosure.

GWE.

M.C.R. 282.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eudora Childress, et al., of which decision you were advised by mail on the 5th day June, 1902.

Respectfully,

James C. Diney
Acting Chairman.

M.C.R. 282.

COPY.

Muskogee, Indian Territory, November 7, 1902.

J. F. Sharp,

Attorney at Law,

Parcell, Indian Territory,

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fudora Childress, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Respectfully,

OS GENT

Acting Chairman.

H.C.R. 282.

COPY.

Muskogee Indian Territory, November 7, 1902.

Eudora Childress,

Sulphur, Indian Territory.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of the Choctaws of the several persons included in the consolidated case of Eudora Childress, et al., in which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

(SIGNED)

Arthur H. Brown.

Muskogee, Indian Territory, April 30, 1904.

G. W. Childress,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April, 1904, asking to be advised the status of the application of your wife for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on October 29, 1902, the Secretary of the Interior approved the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Eudora Childress, et al., of which Departmental action the several applicants were duly notified on November 7, 1902.

The Commission now considers this case closed, and it is not believed that your wife, Eudora Childress, is in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

MEMORANDA.

JUN 18 1900

Name Eudora Childress (35) Sulphur Springs, I. T. (Date) 1888

Choctaw? MISS County

Year No.

Chickasaw? County

Year Page

Citizen by blood? yes Mother's citizenship

CHOCTAW.

Intermarried citizen?

Married under what law?

License filed this day,

(Husband) Geo. H. Childress, (no)

Choctaw? County

Year No.

Chickasaw? County

Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

- 10. Buster (m)
- 8. Charley (m)
- 7. Rosie (F)
- 3. Millie (m)
- Frankie (m)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW,
Personal appearance &
testimony at
College, I. T. June 14, 1900.

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(Father) Napoleon Moore
(mother) Mary Moore

Eudora Childress et al
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW, Case No. *P 282*

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

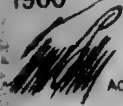
DEC 3 1900

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. *A 282*
REFUSED.

Cudora Childress et al

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900



ACTING CHAIRMAN.

35

61036	Indian Office. Incl. 1859	1900
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12/6/01 P.O. address Sulphur 27

Choctaw MCR 283

Thomas S. Karr

See MCR 274

MCR 283

NOTICE OF DECISION AS TO
A MISSISSIPPI CHOCTAW

289

Thomas S. Karr et al.
REFUSED.

NOTICE OF DECISION MADE APPLICANT.

MAY 19 1902

NOTICE OF DECISION MADE BY
ATTORNEY GENERAL

MAY 20 1902

NOTICE OF DECISION MADE BY ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DECISION MADE BY ATTORNEY GENERAL

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

NOTICE OF DECISION MADE BY
ATTORNEY GENERAL

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARD BY ATTORNEY GENERAL

NOTICE OF DEPARTMENTAL ACTION
FOR ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

274

REFER TO M. C. R.

7142 23

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE MISSISSIPPI CHOCOTAWA
Colbert, I. T. Terrell, June 1, 1900.

In the matter of the application of William B. Harr for himself and on behalf of his minor children, for identification as Mississippi Choctaws; Wm. B. Harr, being first called to the stand as Chairman, Texas Sixty, testified as follows:

Q What is your name? A William B. Harr.
Q How old are you Mr. Harr? A Fifty-two.
Q What is your post office address? A Gratiot, Mo.
Q Is that in the Chickasaw Nation? A Yes sir.
Q What are the names and ages of your children. A Thomas W. 20, Lee 16, Dora 14, -
Q Any more? A That's all.
Q Who is the father of these children? A I am.
Q Who is their mother? A Rebecca Harr.
Q Is she dead? A Yes sir.
Q Was she a Choctaw? A Yes sir.
Q You make no claim on your own behalf, you merely claim for these children; how much Indian blood do you claim for the 2 or 3 or 4th.
Q Have these children ever been recognized by the Choctaw tribal authorities? A No sir.
Q They are not upon any of the tribal rolls of the Choctaw Nation? A No sir.
Q Was your wife's name ever upon any of the Choctaw tribal rolls? A No sir.
Q Did she ever apply to the Choctaw tribal authorities for citizenship? A No sir.
Q Did she ever apply to the Dawes Commission in 1886 for citizenship in the Choctaw Nation? A No sir.
Q You apply for these children's identification as Mississippi Choctaws? A Yes sir.
Q Do you claim anything for them under the 14th article of the treaty of 1830? A Well I claim for them under all the treaties that have been made for the Choctaw Indians and I guess it is all the same as to whether you claim under the 14th article or not.
Q Do you claim under the 14th article of the treaty of 1830? A I don't know.
Q Did any one ever take any advantage for their children under the provisions of the 14th article of the treaty of 1830? A No sir.
Q Do you know whether these children or their ancestors ever claimed or received any lands as beneficiaries under the 14th article of the treaty of 1830? A The children never did; I don't know further back.
Q As to the children and your wife you are certain that they never did; as to their ancestors you don't know? A No sir.
Q These children are living with you in Gratiot, Mo. are they? A Yes sir.
Q How long have they lived with you? A Since January, 1898.
Q Where did they live before that? A In Hopkins county, Texas.
Q How long did their mother live in Hopkins county, Texas? A I don't know, probably 15 years.
Q Where did she come from to Hopkins county, Texas? A I don't know understanding that she came from Marion county, Texas.
Q Do you know she came from Marion county, Texas? A I think she was born there.
Q Do you know why or through whom these children base their claim to identification as Mississippi Choctaws? A Through their mother.
Q Well, through whom do they trace their right to identification as Choctaws? A Back to their grand father and grand mother.
Q Do you know the name of their grand father? A His name was Yodagoo.

before she married.

Q Do you know whether she lived in Mississippi? A My understanding was that she did, could not say positively.

Q Do you know whether she ever took advantage of the provisions of the treaty of 1830? A Never did hear of it if she did.

Q You know nothing about the ancestors of these children? A No as far back, I know folks who knew their grand mother, that's as far back as I know anything about them.

Q They do not claim under the 14th article of the treaty, do they claim under the 15th article? A I don't know.

Q Do they claim under the 14th article? A I don't know.

Q Do they claim under the supplement of the treaty? A I don't know, I don't call that is for them.

Q Are there any additional statements that you desire to make regarding the claim of these children? A No sir.

Q Are there any papers that you desire to file with this Commission? A Yes, I will later on.


Q The decision of the Commission in the matter of the application for identification of Mississippi Choctaws of your sister children will be mailed to you in the near future at your present mailing address. Any answers that you may file with this Commission later on will not receive the consideration of the Commission but will be forwarded to the honorable Secretary of the Interior for his consideration. The final rolls of the Choctaw Nation are sent to him for approval.

Permission granted Attorney L. P. Hudson to file with this case in the near future.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reports the foregoing as being true and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

A. McElrath

Subscribed and sworn to before me this 22 day of July, 1885.


Acting Chairman

-

Muskogee, Indian Territory, February 4, 1902.

William B. Karr,

Graham, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

Mary J. Karr et al., Henry J. Self et al.,
Henry W. Karr et al., Edward A. Karr et al.,
Sally Towry,

you are informed that under dates of July 30, 1901, and January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Colbert, Indian Territory, on June 18, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of your three minor children, Thomas S., Lee and Dora Karr, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard

W. B. K.--2.

the testimony of such witnesses as present themselves in person
in support of such application.

Yours truly,

M.C. 283

Acting Chairman.

Muskogee, Indian Territory, May 19, 1902.

Thomas S. Farr,

Graham, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Farr, et al., regarding the following applications for identification to the issued Choctaw:

Mary J. Farr, et al.,	M C R 274
Lou Shears, et al.,	M C R 276
Henry T. Self, et al.,	M C R 277
Henry J. Hopkins, et al.,	M C R 278
Sally Toney,	M C R 279
Edward A. Farr, et al.,	M C R 280
Nancy Ridens, et al.,	M C R 281
Thomas S. Farr, et al.,	M C R 283
Henry W. Farr, et al.,	M C R 284
Walter T. Farr, et al.,	M C R 286
John W. Farr, et al.,	M C R 288
Mary Alice Ross, et al.,	M C R 289

Said decision after a review of the evidence submitted concluded as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1900 (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Miller Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Picens, Thomas S. Karr, Lee Karr, Dora Karr, Henry W. Karr, Bes ie Lee Karr, Carrie Karr, Walter T. Karr, Lewis C. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jewel M. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. W. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Picens for the identification of her husband, Frank Picens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Della Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.B. 283

Lawrence, Indian Territory, June 7, 1902.

Thomas W. Harr,

Graham, Indian Territory.

Dear Sir:

~~You are hereby advised that on the 19th day of June,~~
1902, the Secretary of the Interior affirmed the decision of this
Commission refusing the applications for identification as Missis-
sippi Choctaws of the several persons included in the consolidated
case of Mary J. Harr, et al., of which decision you were advise
by registered mail on the 19th day of May, 1902.

Yours truly,

[Signature]

Commissioner in Charge.

MEMORANDA.

(Date) - 11/11/1899

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

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No.

County

Year

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No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Choctaw MCR 284

Henry W. Karr

MCR 284

RECEIVED AS
A MISSISSIPPI CHOCTAW

28

Henry W. Karr et al.
REFUSED

NOTICE OF DECISION MAILED APPLICANT

MAY 19 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

MAY 28 1902

FOR MISSISSIPPI AND CHOCTAW NATIONS

RECORDS AND COMMUNICATIONS DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAY 28 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

REFER TO M. C. R.

1374

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Henry W. Karr for identification as a Mississippi Choctaw, and he being sworn by Acting Chairman, Tams Bixby, testified as follows:

Q What is your name? A Henry W. Karr.
Q What is your age? A Twenty-three (23).
Q You apply for yourself alone do you? A No sir, for my wife and children also.
Q Do you apply for identification of yourself and children as Mississippi Choctaws? A Yes sir.
Q Upon what do you base your claim for your wife? A
A By her marriage to me.
Q Where do you live? A I live at Graham.
Q In what Nation? A Chickasaw, I reckon.
Q How long have you lived there? A A About five months.
Q Where did you live before you went there? A At Cornish, Indian Territory, Chickasaw Nation.
Q How long did you live there? A A I lived there over a year.
Q Where did you live before you went there? A In Texas.
Q Do you know the exact date you came from Texas to the Indian Territory? A No sir.
Q Has it been two years ago? A No sir, it has not been two years ago.
Q Do you know what month it was in? A No sir, I do not.
Q Was it in the Fall of 1898? A Yes sir.
Q How long did you live in Texas? A Was born and raised there.
Q Never lived in Mississippi? A No sir.
Q What is the name of your father? A Will Karr.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is the name of your mother? A Rebecca Karr.
Q Is she living? A No sir.
Q When did she die? A I can not tell you, but she has been dead about eight years.
Q Was she a white woman? A No sir, Mississippi Choctaw.
Q What proportion of Choctaw blood does she claim? A One fourth.
Q What proportion do you claim? A One eighth.
Q Did your mother ever live in the Indian Territory? A No sir, not that I know of.
Q Has your name ever appeared on on of the Choctaw tribal rolls?
A No sir.
Q Have you ever made application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation? A No sir.
Q What is the name of your wife? A Mary Karr.
Q How old is she? A I can not answer that correctly.
Q About how old? A About twenty.
Q Is she a white woman? A Yes sir.
Q What is her fathers name? A Ben F. Howard.
Q What is the name of her mother? A Lizzie Howard.
Q Has your wifes name ever appeared on the Choctaw tribal rolls as a Choctaw citizen? A No sir.
Q Has she ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you any children? A Yes sir.
Q What are their names and ages? A Bessie Lee, eighteen months old, Carrie, three months old.
Q Are these children now living with you? A Yes sir.
Q Where were you married to your wife? A Near Manville.
Q When? A In 1898.

Q Do you desire to offer in evidence your marriage license and certificate? A. No sir.

Q The claim of your children has the same foundation as that of yourself? A. Yes sir.

Q Under what treaty do you claim as a Mississippi Choctaw?

A All of them.

Q All treaties between the Choctaws and Chickasaws or what?

A All treaties between the Choctaws and the United States.

AA I do not know.

Q You do not base your claim then upon any particular article of any particular treaty between the United States and the Choctaw Nation? A No sir; I claim under all treaties of the ~~Choctaw~~ Choctaw Nation.

Q I asked you if you based your claim upon any particular article of any particular treaty between the United States and the Choctaw Nation? A. No sir.

Q You do not base your claim upon the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q You never took advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. No sir.

Q Did your ancestors? A. No sir.

Q Did you ever receive any land as beneficiary under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?

A No sir.

Q Did any of your ancestors ever receive any land as beneficiaries under the provisions of the fourteenth article of Dancing Rabbit Creek treaty? A No sir.

Q Is there any additional statement in regard to your case that you desire to make at the present time? A. No sir., I will file some papers later.

The decision of the Commission in your case will be withheld for a reasonable while, to enable you to file with the Commission such papers as you may desire to file in support of your application.

A copy of the decision of the Commission in your case ~~will~~ in writing will be furnished you at a later date, mailed to you at your proper Postoffice address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this 26th day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry W. Karr for identification of himself and on behalf of his two minor children as Mississippi Choctaws, and on behalf of his wife as an intermarried Mississippi Choctaw.

The applicant, Henry W. Karr, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in his own behalf and on behalf of his two minor children for identification as Mississippi Choctaws and on behalf of his wife, Mary Karr, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Henry W. Karr, on his own behalf and on behalf of his two minor children, Bessie Lee and Carrie, and on behalf of his wife, Mary Karr as an intermarried Mississippi Choctaw, is hereby refused.
BY THE COMMISSION.


Acting Chairman

Muskogee, Indian Territory, _____, 190_.

Muskogee, Indian Territory, October 12, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 11th instant, enclosing written requests of Henry W. Karr and Edward A. Karr, to have the record in the matter of their applications for identification as Mississippi Choctaws forwarded to the Secretary of the Interior for his consideration.

The same have been duly filed with the other papers in these cases and the records so made will be transmitted to the Secretary of the Interior, together with the report of the Commission as to the identification of Mississippi Choctaws as provided in the act of June 26th, 1898, ~~when such report is sent to him for approval.~~

Yours truly,

Acting Chairman?

M. C. R-280
M. C. R-281

Muskogee, Indian Territory, February 4, 1902.

Henry W. Karr,

Graham, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and two minor children, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of January 27, 1902, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 10, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 284

Acting Chairman.

Muskogee, Indian Territory, May 19, 1902.

Henry W. Karr,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Karr, et al., embracing the following applications for identification as Missions Indians Chootaws:

Mary J. Karr, et al.,	M C R 274
Leon Shears, et al.,	M C R 276
Henry T. Self, et al.,	M C R 277
Henry E. Hopkins, et al.,	M C R 278
Wally Torrey,	M C R 279
Edward A. Karr, et al.,	M C R 280
Nancy Eiden, et al.,	M C R 281
Thomas S. Karr, et al.,	M C R 283
Henry W. Karr, et al.,	M C R 284
Walter T. Karr, et al.,	M C R 336
John W. Karr, et al.,	M C R 358
by Alice Moss, et al.,	M C R 758

Said decision after a review of the evidence submitted concluded as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Chootaw Indians claiming rights in the Chootaw lands under article fourteen of the treaty between the

H W K-2

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary J. Karr, Elmer Karr, Della Karr, Lou Shears, John Shears, Henry T. Self, John Self, James Self, Henry H. Hopkins, Lillie D. Hopkins, Claude Hopkins, Sally Towry, Edward A. Karr, Nancy Ridens, Thomas S. Karr, Lou Karr, Nora Karr, Henry W. Karr, Beattie Lee Karr, Carrie Karr, Walter T. Karr, Lewis O. Karr, John W. Karr, William Bertie Karr, Mary Alice Ross, James O. Ross, Edgar T. Ross, and Jemel H. Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Lou Shears for the identification of her husband, J. H. Shears, that made by Henry H. Hopkins for the identification of his wife, Etta Hopkins, that made by Edward A. Karr for the identification of his wife, Belle Karr, that made by Nancy Ridens for the identification of her husband, Frank Ridens, that made by Henry W. Karr for the identification of his wife, Mary Karr, that made by Walter T. Karr for the identification of his wife, Edna Jane Karr, and that made by John W. Karr for the identification of his wife, Emma Karr, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.R. 284

Muskogee, Indian Territory, June 27, 1902.

Henry J. Carr,

Grain, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry J. Carr, et al., of which decision you were advised by registered mail on the 18th day of May, 1902.

Yours truly,

J. M. G. G. G.

Commissioner in Charge.

Check 11: 2:00

MEMORANDA.

MISSISSIPPI CHOCTAW.

(Date) June 18 1900 ✓
1899 ✓

Name Henry W. Karr (231) Graham, 9's

Choctaw? MISSISSIPPI CHOCTAW County Year No.

Chickasaw? No County Year Page

Citizen by blood? yes (1/4) Mother's citizenship CHOCTAW. (4/4)

Intermarried citizen? no.

Married under what law?

License filed this day,

Wife's name, Mary Karr (20)

Choctaw? No County (father) - Ben Howard

Chickasaw? No County (mother) - Lizzie Howard

Citizen by blood? no Mother's citizenship

Intermarried citizen? yes.

Married under what law?

License filed this day

Names of children:

(1 1/2) Bessie Lee
(1 1/4) Carrie

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Wife is
Citizen

(father) - Will Karr (143)

(mother) - Rebecca Karr (DEAD) MISSISSIPPI CHOCTAW.

Henry W Karr et al
^{vs.}
Choctaw Nation

MISSISSIPPI CHOCTAW. Case No. *P*284

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

Henry H. Karr et al.

Jud.

id.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

[Signature]

ACTING CHAIRMAN.

36

61036	RECORDED	1900
	Incl. N261	

Choctaw MCR 285

Mary Lewis

See MCR 4866

MCR 285

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 28

Mary Lewis, et al.

REFUSED

JAN 28 1903

NOTICE OF REFUSAL
ATTORNEY FOR APPLICANT

NOTICE OF REFUSAL
FOR CHOCOTAW NATION

APR 17

AS

MAY 10 1903

NOTICE OF REFUSAL
FOR CHOCTAW NATION
AND CHOCTAW NATIONS

MAY 11 1903

NOTICE OF REFUSAL
FOR CHOCTAW NATION

MAY 11 1903

NOTICE OF REFUSAL
FORWARDED AT TORNEY FOR APPLICANT

REFER TO M. C. R. 4866

71C-R245-

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 18, 1900.

In the matter of the application of Mary Lewis for the enrollment of herself and children as Mississippi Choctaws: being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q What is your name? A Mary Lewis.
- Q How old are you? A 31 years old.
- Q What is your post office address? A Durant, I. T.
- Q How long have you lived in the Indian Territory? A 2 years.
- Q 2 years ago the date that you first came here? A No, sir, I have been here over 2 years.
- Q Where did you come from? A Texas.
- Q How long had you lived in Texas? A 10 years.
- Q Where did you live before that? A Arkansas.
- Q Were you born in Arkansas? A No, sir, I was born in Tennessee.
- Q Did you ever live in Mississippi? A No, sir.
- Q What is your father's name? A William Escue.
- Q Is he living? A Yes, sir.
- Q Is he a Choctaw Indian or a white man? A He is a Choctaw Indian.
- Q What proportion of Choctaw blood runs in his veins? A About 1/8 I think.
- Q Has his name ever appeared upon the tribal rolls of the Choctaw Nation? A Yes, sir.
- Q Is his name on the rolls now? A Yes, sir.
- (The tribal rolls of the Choctaw Nation examined and the name of William Escue not found thereon.)
- Q What makes you think your father's name is on the Choctaw rolls? A His people's name were on the rolls.
- Q Who were his people? A The Fraziers.
- Q Do you mean they are on the Tribal rolls or on the rolls of this Commission by virtue of a judgment of the United States Court? What is Frazier's name? A William Frazier.
- Q Is he living or dead? A He is dead.
- Q What county did he belong in? A Yellowbush.
- Q In the Choctaw Nation or Mississippi? A Mississippi.
- Q Has he ever lived here? A No, sir.
- Q You mean then that this William Frazier you spoke about was on the rolls in Mississippi, that what you mean? A Well, yes, sir.
- Q You don't mean that his name has ever been on the Tribal rolls of the Choctaw Nation in the Indian Territory, do you? A I can't answer that.
- Q What makes you think his name was on the rolls? A I have heard that it was, my father is living and he ought to know.
- Q You never saw the name on the Tribal rolls, did you? A Yes, sir.
- Q Have you ever seen the tribal rolls of the Choctaw Nation? A Yes, sir.
- Q Where? A I saw it at the office here in the Territory.
- Q Tishomingo or where? A I saw it at Durant.
- Q When? A Not very long ago.
- Q This year? A Yes, sir.
- Q I don't see how that could be possible; this roll has been in possession of this Commission, it hasn't been at Durant this year; we have the tribal rolls of the Choctaw Nation.
- A Are you the only one that has got it?
- Q Yes. A I saw it there that year.
- Q Who had possession of it? A I don't know.
- Q Was it this Commission? A It was a Commission, I don't know who it was.
- Q Do you know whether it was a United States Commission or did you know who was there? A Tribal authorities.

Mary Lewis - 2.

By Peter Maytubby: Who was William Frazier's father? A I don't know.

Commissioner Bixby: What is your mother's name? A Sarah Ann Estes.

Q Is she a Choctaw indian or a white woman? A She is white.

Q How much Choctaw blood runs in your veins? A 1/8.

Q Has your name ever appeared upon the tribal rolls? A Yes, sir.

Q When? A Well, not this enrollment.

Q Has your name ever appeared upon any of the tribal rolls of the Choctaw Nation? A Well, I applied for my right and claim.

Q When? A Last August.

Q To this Commission? A In last August there, 2 years ago, but they didn't enroll me.

Q To the Dawes Commission? A Yes, sir.

I understand you that your name has never been upon the tribal rolls of the Choctaw Nation? A No, sir, not that I know of it hasn't.

Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.

Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw? A Yes, sir.

Q When was that? A Two years ago.

Q At what place? A Durant.

Q You don't mean the Tribal authorities, do you, you mean this Commission, don't you; I ask you now about the officials of the tribe, did you ever apply to them? A Yes, sir.

Q Where was that? A At Durant.

Q Who did you apply to? A I applied to these Commissioners.

Q Who were they? A I don't know.

Q Where they indians or white men? A I don't know what they were, I don't know what tribe they were.

Q At what place were they when you made your application?

A Horton's office.

Q Is he one of the tribal authorities of the Choctaw Nation?

A Not that I know of.

Q Who do you mean by Horton? A I mean lawyer Horton.

Q This man here? A Yes, sir.

Q He didn't pretend to be one of the officials of the Choctaw Tribe? A I guess not.

Q Did you apply to the Dawes Commission in 1896? A Yes, sir.

Q Did you apply in your own name or was your application in some other case? A In my own name.

Q What was the title of the case, Mary Lewis against the Choctaw Nation? A Yes, sir.

Q What action did the Commission take at that time in regard to your case, were you admitted or rejected? A Rejected.

Q Did you appeal to the United States Court? A No, sir.

Q Did your husband apply at that time too? A He is no Choctaw.

Q Didn't he claimed to be an intermarried Choctaw? A Yes, sir.

Q He applied at that time? A Well I guess he did.

Q What was his name? A Charlie Lewis.

Q Did he have any relatives that applied at that time? A No, sir.

Q Did you get any notice from the Commission as to what action it had taken in regard to your case? A No, sir, I don't think I did.

Q You haven't any papers showing that, have you. Do you know

George B. or W. W. Escue? A Yes, sir, I ought to, W. W. is my father.

Q Did your father ever claim to be a Cherokee? A No, sir, he claimed a Choctaw.

(Index of applications to the Commission to the Five Civilized Tribes under the law of June 10, 1896, examined, and it is found that J. B. and W. W. Escue applied for citizenship in the Cherokee Nation, case to be found on Docket B, page 270.)

W. W. Escue, being duly sworn, testified as follows:

Q What is your name? A William W. Escue.

Q How old are you? A 58.

Q Where do you live? A In Texas.

Mary Lewis -3.

Q You have never lived in the Territory? A Yes, sir, I have lived in the Territory but a little while.

Q How long have you been living in Texas, ever vote in Texas?

A No, I never voted in Texas, but I didn't want to vote.

Q You have been owning property down there, farming?

A I don't own very much, just a little bit.

Q Such property as you have, it has been in Texas? A Yes, sir.

Q Are you the W. W. Escue that applied to the Dawes Commission in 1896 for citizenship as a Cherokee in connection with J. R. Escue?

A No, I didn't in connection with J. R. Escue. Now at that time I applied for citizenship not knowing exactly what tribe I was, thinking the Cherokees came from Mississippi, and I found out it was not good, and my lawyers said it was no good, and I have learned since that I was just mistaken.

Q You have learned since, you have ascertained that after your application as a Cherokee was no good, that you were a Mississippi Choctaw? A Yes, sir.

Q Are you the father of the lady on the stand, Mary Lewis?

A Yes, sir.

Mr. Cornish: You are the W. W. Escue who applied for Cherokee citizenship in 1896? A Yes, sir, I don't recollect what time.

Q You applied for Cherokee Citizenship in 1896, for citizenship to the Dawes Commission? A No, sir, it wasn't the Dawes Commission. I employed a lawyer to look after that, I never was before the Dawes Commission until this last time at Durant.

Q Did you apply for Cherokee citizenship in 1896? A I don't know what it was.

Q Did you apply a few years ago for Cherokee citizenship at Fort Smith? A I think about 1894.

Q Did you swear at that time you were a Cherokee? A Yes, sir, to the best of my knowledge.

Q Did others swear at that time you were a Cherokee? A I didn't have witnesses.

Q You swore at that time you were a Cherokee citizen? A Yes, sir.

Q Is it your purpose here to-day to swear you are a Mississippi Choctaw citizen? A Yes, sir, since I have learned the difference.

Mary Lewis, recalled, testified;

Q Under which treaty do you claim identification as a Mississippi Choctaw at this time? A I can't tell you.

Q Am I to understand by your reply that you are not claiming under any particular treaty? A Yes, sir, I claim under the Choctaw.

Q Which treaty, any or all? A I don't know.

Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A Not that I know of.

Q Did any of your ancestors? A I don't know, sir, whether they did or not.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.

Q At the time your father made the application in 1896 to the Dawes Commission did you then think you were a Cherokee? A No, sir, I wasn't with my father then.

Q You didn't know at that time whether you were a Cherokee or a Choctaw? A No, sir.

Q How did you become convinced at this time you were a Mississippi Choctaw? A I taken my father's word for it and found their names on the record, my father's people was on the record.

Q On which record? A On the Mississippi Choctaw record.

Q Have you got the name of that record that you would like to exhibit here to the Commission? A No, sir.

Q It might be of very material assistance if you can furnish the record. Are your children living at home with you? A Yes, sir.

Mary Lewis - 4.

Q Their residence and post office has always been the same as yours?

A Yes, sir.

Q What is the name of the father of your children? A Charlie Lewis.

Q Is he living? A Yes, sir.

Q What are the names and ages of your children under 21 years of age and unmarried? A Jesse is 12, Montie is 10, Homer is 8, and Bessie is 6.

Q Is there anything else you would like to say in regard to your case at this time? A No, sir.

Q Have you got any papers you would like to file? A Yes, sir.

(Affidavits of Mary Lewis, Luizah Jane Escue, Mary Story, and Rhoda T. Oliver offered in evidence and marked Exhibit A and made a part of the record.)

Mr. L. D. Horton, attorney for applicant: Mrs. Lewis, in regard to having applied to the Commission heretofore, state whether or not you had ever applied in person prior to last year, whether you had gone before this Commission or any other? A Well, I never did.

Q You never did but your father did? A Yes, sir.

Q In that application last year isn't it a fact that you didn't then go before the Commission in person? A No, sir.

Q You didn't go before the Commission in person, but was a party to a regular application which you presumed your father would present? A Yes, sir.

Q And as to whether he presented that, you don't know of your own knowledge? A No, sir.

Q About your father being on the roll, you don't know anything about whether he is on the roll or not? A No, sir.

Q You rather think he is not, don't you? You never heard him say he was on the roll? A No, sir, I heard him say he was on the roll.

Q About these former applications, these were applications it was presumed your father was to make for you? A Yes, sir.

The Commission is unable from the evidence in this case to identify you and your children as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28, 1898. The decision of the Commission, stating more fully its reasons for arriving at this conclusion will be furnished you in writing and mailed to your present post office address.

—o—

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29th day of June, 1900.



Commissioner.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

Mary Lewis,
et al

mcr
#285

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Lewis for the identification of herself and her minor children, Jesse, Montie, Homer and Pessie Lewis, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Mary Lewis appeared before the Commission at Colbert, Indian Territory, June 16, 1906, and there made application for the identification of herself and her minor children, Jesse Lewis, Montie Lewis, Homer Lewis and Pessie Lewis, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the Opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-

mission that the application for identification of Mary Lewis for herself and for her minor children, Jesse Lewis, Annie Lewis, Homer Lewis and Beatie Lewis, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory, Aug 26 1901

COPY.

Muskogee, Indian Territory, January 28, 1903.

Mary Lewis,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 285
William W. Escue, et al.,	M.C.R. 2250
Ella Nealey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. Pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas E. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6195
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Guyll, et al.,	M.C.R. 6261
Thomas R. Guyll, et al.,	M.C.R. 6262
John S. Guyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

N. L. # 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bennie Escue, Ella Nealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Ullie Pace, Verdie M. Pace, Nora A. Pace, Willmina Pace, Lela P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. Pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas E. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Gyll, Oscar Bennett Gyll, James Elmer Gyll, Sophia Etta Gyll, Newton Franklin Gyll, Thomas R. Gyll, Josie May Gyll, George Alvin Gyll, John S. Gyll, William Henry Gyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Virttie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra M. O. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGN

Tame Dixey.

Registered.

Acting Chairman.

M.C.R. 235

COPY.

Muskogee, Indian Territory, May 11, 1903.

Mary Lewis,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

respectfully,

B. Nease
COMMISSIONER IN CHARGE

Clairmont

MEMORANDA.

JUN 18 1900

Name Mary Lewis. (31) (Date) Durant, I.T.
 Choctaw? Miss County Year No.
 Chickasaw? County Year Page
 Citizen by blood? yes. (1/2) Mother's citizenship (n.s.)
 Intermarried citizen?

Married under what law?

License filed this day,

~~Wife's name,~~ (Husband) Charles Lewis, (no)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

12. Jesse (m).
 10. Monte
 8. Homer (m).
 6. Bessie (f).

FOR IDENTIFICATION AS
 A MISSISSIPPI CHOCTAW.
 Presence of appearance
 testimony at Durant,
 I.T. June 15, 1900.

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(Father) William^{W.} Escue.
 (Mother) Sarah Ann Escue.

FOR CONSIDERATION AS
A MEMBER OF THE OCTAW.

REFUSED.

P 285

Mary Lewis et al

Judgment written January 23, 1901.

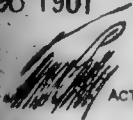
H. H.

REFER TO M. C. R.

C

DEPARTMENT OF THE INTERIOR,
IN TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 26 1901



ACTING CHAIRMAN

DECISION PREPARED

Choctaw MCR 286

Guy M. Granbury

MCR 286

me-R 286

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
Colbert, Indian Territory, June 18, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Guy M. Granbury; Guy M. Granbury being first duly sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Guy M. Granbury.
Q How old are you? A Twenty-one.
Q What is your postoffice address? A Cumberland, I.T.
Q Is Cumberland in the Choctaw Nation? A No sir, in the Chickasaw Nation.
Q Do you live at Cumberland? A Yes sir.
Q What is your father's name? A George W. Granbury.
Q Is he living? A No sir, he's dead.
Q What is your mother's name? A Maggie A. Bradley.
Q She living? A Yes sir.
Q Through whom do you claim your right to Indian blood? A My mother.
Q How much Indian blood do you claim? A One thirty-second or more.
Q Is your name upon any of the tribal rolls of the Choctaw Nation?
A No sir.
Q Have you ever been recognized by the legally constituted authorities of the Choctaw Nation as a citizen? A No sir.
Q Did you ever apply to the Choctaw Council or citizenship committees for enrollment? A No sir.
Q Did you ever apply to the Dawes Commission under the Act of Congress, June 10th, 1896, for enrollment as a citizen? A No sir.
Q This, then, is your first appearance? A No sir I was at Durant last year.
Q You claim as Mississippi Choctaw? A Yes sir.
Q Do you claim under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know anything about that.
Q Did you ever take advantage of the provisions of that article of the treaty of Dancing Rabbit Creek? A No sir.
Q Did your ancestors ever take advantage of the provisions of the 14th article of that treaty? A If they did I do not know it.
Q Did you or any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not that I know of.
Q You said that you live in the Indian Territory? A Yes sir.
Q How long have you lived here? A Seven years.
Q Have you lived here continuously for the last seven years? A Yes sir.
Q Never been out of the Territory. A Yes sir, been out at times.
Q Where did you come from to the Indian Territory? A A Texas, was born in Texas.
Q Lived in Texas and Indian Territory all your life; never been in Mississippi. A No sir.
Q You claim your right to identification as a Mississippi Choctaw through your mother; when did she leave Mississippi? A She was born in Texas also.
Q Through whom, then do you claim your right to identification as a Mississippi Choctaw? A Through my grand father on my mother's side.
Q Was he ever recognized by the Choctaw Indians in Mississippi as a citizen of the Choctaw tribe in Mississippi. A I don't know.
Q On what then do you base your claim? A I am an Indian, I have Indian blood, that is all I know. I have been told by my ancestors that they all have Indian blood.
Q You have been told by your ancestors that they all have Indian blood? A Yes sir.
Q You think that sufficient to entitle you to citizenship in the Indian Territory? A I don't know how to answer that question.
Q You make your claim for identification as a Mississippi Choctaw and I understand you to say that your only basis for such a claim

is the fact that your relatives have told you that you have Choctaw blood, is that correct? (No answer)

Q Now, is there any additional statements that you desire to make?

A I have witnesses to the fact that I have Indian blood.

Q You said you did not claim any right under the 14th article of the treaty of 1830; do you claim under the 10th article? I said I knew nothing about it.

Q Do you claim any rights under the 19 article of the treaty of 1830?

A I don't know.

Q Do you claim any rights under the supplement to the treaty of 1830?

A I don't know.

Q Are you married? A No sir.

Q You are making this application for yourself only? A That's all.

Q Are there any further statements you wish to make in connection with your application for identification as a Mississippi Choctaw? A No sir

Q Are there any papers which you desire to file? A Yes sir.-

The petition and supplemental petition of Guy M. Granbury, affidavit of John Scarborough, affidavit of Chas. Smith, affidavit of H. L. Whittle, affidavit of Elijah Colbert, offered in evidence, marked exhibit "A" and filed.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address.

A. McElrath, being first duly sworn states that a stenographer to the Commission to the Five Civilized Tribes reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 22 day of July, 1902.

A. McElrath

[Signature]

Act. Comm.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of G.H. Granberry for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A G.H. Granberry.

Q How old are you? A Twenty-one.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the Choctaw rolls?

A No sir.

Q You are living in Texas? A No sir, I came here from Texas in 1893.

Q You were born and raised in Texas? A Yes sir.

Q You have been living here all the while ever since you came here in 1893? A Yes sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. McKennon

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of G. M. Granberry for enrollment as a citizen of the Choctaw Nation.

D e c i s i o n .

The applicant, G. M. Granberry, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission, and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of G. M. Granberry for enrollment as a citizen of the Choctaw Nation, is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____ day of _____, 1901.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
ATOKA, INDIAN TERRITORY, AUGUST 21, 1901.**

In the matter of the application of Everett E. Taylor et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 112

In the matter of the application of James Carpenter for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 12, 1900. M.C.R. 166

In the matter of the application of Margaret Sanders et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 12, 1900. M.C.R. 167

In the matter of the application of Richard Elery Scarborough et al., for identification as Mississippi Choctaws, heard at Muskogee Indian Territory, September 20, 1900. M.C.R. 691

In the matter of the application of Josie Carpenter et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 12, 1900. M.C.R. 165

In the matter of the application of James J. Berry et al., for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, September 20, 1900. M.C.R. 692

In the matter of the application of William J. Pavato et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 102

In the matter of the application of Johnnie LaFayette Trotter, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 99

In the matter of the application of Ada Gailer et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 98

In the matter of the application of Cora Ballard et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 97

In the matter of the application of James Ellis Pike et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 232

In the matter of the application of William E. Pike et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 100

In the matter of the application of Guy M. Granbury for identification as Mississippi Choctaw, heard at Colbert, Indian Territory June 18, 1900. M.C.R. 286

In the matter of the application of William L. Mullens for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 261.

In the matter of the application of John B. Mullins for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 257

In the matter of the application of William Freeman et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 260

In the matter of the application of Pinckney L. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory June 18, 1900. M.C.R. 103.

In the matter of the application of Robert H. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 21, 1900, M.C.R. 442.

In the matter of the application of Margaret E. Peyato for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 101.

In the matter of the application of Carrie Pike for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 231.

In the matter of the application of Cornelius E. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 256

In the matter of the application of William Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 253

In the matter of the application of John B. Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 259

In the matter of the application of Mattie McDowell et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 251

In the matter of the application of Maggie Bradley for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 258

In the matter of the application of Sallie Mullins et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 254

In the matter of the application of Susan Freeman et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 255

In the matter of the application of John Scarborough et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900. M.C.R. 252

John Scarborough, called as a witness in the above applications being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A John Scarborough.
 Q How old are you, Mr. Scarborough? A Seventy-six.
 Q What is your post office address? A Durant, Indian Territory.
 Q How long have you lived in the Indian Territory? A Little over eight years.
 Q Where did you come from to the Indian Territory? A From Texas.

- Q What is your post office address? A Durant, Indian Territory.
- Q How long have you lived in the Indian Territory? A Little over eight years.
- Q Where did you come from to the Indian Territory? A From Texas.
- Q And to Texas? A From Alabama.
- Q Were you born in Alabama? A I was born in Alabama, in the Choctaw District.
- Q What was the name of your father and mother? A James Scarborough and Betsy Scarborough.
- Q You are an applicant for identification as a Mississippi Choctaw before this Commission? A Yes sir.
- Q Through who do you claim your Mississippi Choctaw blood? A My mother.
- Q How much Mississippi Choctaw blood did she have? A One eighth.
- Q She had one eighth, your mother? A She was a one eighth.
- Q Are you sure your mother only had one eighth, you claim one eighth you knew? A No, she was one quarter or more.
- Q What was the maiden name of Betsy Scarborough? A She was a Taylor.
- Q Who were her parents? A Little Grannie Taylor was her mother, and I am not sure as to her father, I think it was William.
- Q Was he a white man? A Yes.
- Q How many brothers and sisters did you have? A Four brothers and I will have to count my sisters, it has been so long ago.
- Q Can you give their names? A My brothers?
- Q Yes. A Yes sir; there was Ransom, Burrell, William and Wesley.
- Q How can you give us the names of your sisters Mr. Scarborough?
- A Yes, I reckon; there was Mary, Harriett, Frankie, Martha and Margarette.
- Q Now Mr. Scarborough, give me the names of your children? A Susan Freeman, Sallie Mullins, Mittie or Lucy Bond, Mattie McDowell, Maggie Bradley and Amanda Eubanks.
- Q Now give me the names of your sons? A Sam H. Scarborough, John S. Scarborough, William D. Scarborough, Cornelius B. Scarborough.
- Q That is all? A Yes.
- Q Susan Freeman who applied to this Commission for identification as a Mississippi Choctaw at Colbert, Indian Territory, June 18, 1900 is your daughter? A Yes.
- Q And derives her Choctaw blood from the same source that you do? A Yes, same source.
- Q Sallie Mullins, who applied for identification as a Mississippi Choctaw, at Colbert, Indian Territory, on June 18, 1900, is also your daughter? A Yes sir.
- Q Maggie Bradley, who applied for identification as a Mississippi Choctaw on June 18, 1900, at Colbert, Indian Territory, is also your daughter? A Yes sir.
- Q Mattie McDowell, who applied for identification as a Mississippi Choctaw on June 18, 1900 at Colbert, Indian Territory, is also your daughter? A Yes sir.
- Q John S. Scarborough, who applied for identification as a Mississippi Choctaw, on June 18, 1900, at Colbert, Indian Territory, he is your son? A Yes sir.
- Q William D. Scarborough who applied for identification as a Mississippi Choctaw on June 18, 1900, at Colbert, Indian Territory, is your son also? A Yes sir.
- Q Cornelius B. Scarborough applied for identification as a Mississippi Choctaw at Colbert, Indian Territory, June 18, 1900. Is he your son? A Yes sir, he is my son.
- Q Do you know Carrie Pike? A Yes sir.
- Q Who is she? A She is a niece of mine, and a daughter of Burrell Scarborough.

- Q Is this the Margaret E. Peveto who applied for identification as a Mississippi Choctaw on June 16, 1900, at Colbert, Indian Territory? A Yes sir.
- Q Who is Robert W. Scarborough? A Why that's one of brother Wesley's sons.
- Q Are you sure of that Mr. Scarborough? A I think I am.
- Q We have the application of Robert W. Scarborough for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory June 21, 1900? A Hold on a moment, my brother has three boys, Elva, Alfred and Jeff.
- Q I am asking you about the family of Burrell Scarborough now? A I have it now, that is brother Burrell's oldest son.
- Q Robert W. Scarborough then is Burrell Scarborough's oldest son? A Yes sir.
- Q Do you know Mary A. Scarborough, who is the wife of John S. Scarborough? A Yes sir.
- Q Whose daughter is she? A Burrell Scarborough's daughter.
- Q And the wife of John S. Scarborough your son? A Yes my son and her are first cousins.
- Q Did your brother Burrell Scarborough have any other children besides the four named here that are now living? A Yes he had a son named Pinckney.
- Q Has he applied for identification as a Mississippi Choctaw? A I don't know whether he has or not.
- Q I will state for your information that he has. He is the son of Burrell Scarborough? A Yes sir.
- Q Has your brother Burrell Scarborough any children living who have not made application to this Commission for identification as Mississippi Choctaws? A Yes one, Jeff Scarborough.
- Q Your brother Wesley Scarborough, was his name George Wesley or Wesley? A George Wesley, he did not make application at Colbert.
- Q Has he at any time made application? A Yes at Durant in '98.
- Q Has he been before the Commission since '98? A No sir.
- Q Was his application rejected or accepted or do you know? A Why it was rejected of course.
- Q And to the best of your knowledge and belief he has made no application since? A I don't think that he has made any application since.
- Q Richard Elery Scarborough, do you know him? A Yes.
- Q Who is he? A He is a son of George Wesley Scarborough.
- Q Has George Wesley Scarborough any other children over twenty one years of age? A He has some other children but I do not know their names. I guess Elery is the only one who has made application since '98.
- Q Do you know Harriett Berry? A Yes.
- Q Is she the wife of George Berry? A Yes sir.
- Q Are they living, George Berry and his wife? A No sir, they are both dead.
- Q J. J. Berry, Margaret L. Sanders, Josie Carpenter are the children of Harriett and George Berry? A Yes sir, nieces and nephews of mine.
- Q All of these persons whom you have testified about Mr. Scarborough derive their Indian blood from the same source that you do, that is Betsey Scarborough? A Yes, and the Taylor's.
- Q Who was the daughter of Little Grannie Taylor? A Yes sir, and derive their Indian blood from the same source that I do.

- Q Do you know one Everett E. Taylor? A No sir.
- Q Do you know Heywood Taylor? A No I do not know that name.
- Q Do you know William Taylor? A No I do not know any William Taylor that is living now.
- Q You know William Taylor that is dead? A Yes sir.
- Q You are sure you do not know a party by the name of Everett E. Taylor? A No, I don't know him.
- Q We have the application of Everett E. Taylor for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900 who testified that he is thirty nine years of age? A What is his post office address?
- Q His post office address is given as Sterrett, Indian Territory. That he is the son of Everett Edward Taylor and Margaret his wife. He claims Mississippi Choctaw Indian descent through his father. In support of his application he submits your affidavit, Mr. Scarborough. The same affidavit as attached to the other cases here. He claims descent, as I have just stated to you, through his father Everett Edward Taylor, who is the son of Heywood Taylor who is the son of William Taylor, who is the son of Little Grannie Taylor? A I don't know anything about it. I have no recollections of it.
- Q Well, there is your affidavit? (affidavit submitted to witness for identification) A That is my writing, but I have no recollections of that Taylor now.
- Q Do you know of any descendants of the Taylor family who are now applicants for identification as Mississippi Choctaws, who are relatives of yours? A I think John Taylor intended making application but whether he did I don't know.
- Q You are sure now that you don't know this man Everett E. Taylor? A I don't recollect him at all.
- Q Do you know of any of the children or grandchildren of William Taylor who was the son of Little Grannie Taylor who are living in the Indian Territory now? A I don't know of any now.
- Q Or of any of the Taylor family moving west to the Indian Territory? A I don't know of any now.

G. Rosenwinkel, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes on August 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes had in said causes on said date of August, 1901.

G. Rosenwinkel Kel

Subscribed and sworn to before me this 31 day of August 1901

A. H. Scarborough
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION, TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Guy M. Granbury for the identification of himself as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Guy M. Granbury, appeared before the Commission at Colbert, Indian Territory, June 18, 1900, and there made application for the identification of himself as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Guy M. Granbury, for himself, as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20th, 1901.

Guy M. Granbury,

Cumberland, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

encl.hh
Reg.M.

M.C.R. 286

Acting Chairman.

Muskogee, Indian Territory, September 9, 1901.

Mr. Guy M. Granbury,

Cumberland, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John S. Scarborough et al.
James Carpenter
William L. Mullens
Margaret Sanders
Margaret R. Peveto,

William D. Scarborough et al.
Everett E. Taylor et al.
Maggie Bradley
Josie Carpenter et al.

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the record that you appeared before this Commission at Colbert, Indian Territory, on June 18, 1900, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five

G.M.O. #2

Civilized Tribes at Atoka, Indian Territory, on Friday, November 8th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 286

COMMISSIONER
HENRY L. DAWES,
TAMM BERRY,
THOMAS B. NICHOLS,
C. R. BEECHER.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING
H.C.R. 252.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. May 31, 1902

Guy M. Granbury,

Cherokee, Indian Territory.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

John Scarborough, et al,	M. C. R.	252
Cora Ballard, et al,	M. C. R.	97
Ada Gailer, et al,	M. C. R.	98
Johnnie La Fayette Trotter	M. C. R.	99
William E. Pike, et al,	M. C. R.	100
Margaret E. Peveto,	M. C. R.	101
William J. Peveto, et al,	M. C. R.	102
Pinckney L. Scarborough, et al,	M. C. R.	103
Josie Carpenter, et al,	M. C. R.	165
James Carpenter,	M. C. R.	166
Margaret Sanders, et al,	M. C. R.	167
Carrie Pike,	M. C. R.	231
James E. Pike, et al,	M. C. R.	232
Mattie McDowell, et al,	M. C. R.	251
William D. Scarborough, et al,	M. C. R.	253
Sallie Mullins, et al,	M. C. R.	254
Susan Freeman, et al,	M. C. R.	255
Cornelius B. Scarborough, et al,	M. C. R.	256
John B. Mullins,	M. C. R.	257
Maggie Bradley,	M. C. R.	258
John S. Scarborough, et al,	M. C. R.	259
William A. Freeman, et al,	M. C. R.	260
William L. Mullins,	M. C. R.	261
Guy M. Granbury,	M. C. R.	286
Robert N. Scarborough, et al,	M. C. R.	442
Richard Elery Scarborough, et al,	M. C. R.	691
James J. Berry, et al,	M. C. R.	692
Margareete E. Phipps,	M. C. R.	3296
Lucy E. Langford, et al,	M. C. R.	3297
John L. Oakes, et al,	M. C. R.	3315
Guy Oakes, et al,	M. C. R.	3316
Lucy Bond, et al,	M. C. R.	3317
Amanda Eubanks, et al,	M. C. R.	4031

C. B. Granbury,	M. C. R.	4978
Alf Scarborough,	M. C. R.	4769
Sam Scarborough,	M. C. R.	4770
Wesley Scarborough,	M. C. R.	4771

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dili Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cusbell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margarette E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctaw should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

113

Acting Chairman.

Registered.

COPY.

M.C.R. 286

Muskogee, Indian Territory, November 22, 1902.

Guy M. Granbury,

Cumberland, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Scarborough, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children?

County

Year

Page

No.

County

Year

Page

No.

County

Year

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No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Guy M. Chubbuck

REFUSED

RECEIVED MAY 13 1902

NOTICE TO APPLICANT MAILED APPLICANT

MAY 31 1902

NOTICE TO APPLICANT

MAY 31 1902

ACTION

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Choctaw MCR 287

Mary Henry Etal

MCR 287

MISS.-CHOCTAW
ENROLLMENT

287

FOR IDENTIFICATION AS A
MISS. CHOCTAW
MARY HENRY ETAL.

287

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, IL T., JUNE 18th, 1900.

In the matter of the application of Mary Henry et al, for identification as Mississippi Choctaw Indians., and she being sworn by ~~Samuel~~ Acting Chairman, Tams Bixby, testified as follows:

Q What is your name? A Mary Henry.

Q What is your age? A Twenty-one.

Q You apply for identification as a Mississippi Choctaw?

A Yes sir.

Q Do you apply for any one besides yourself? A My husband., and two children.

Q The claim of your children has the same foundation as that of yourself? A. Yes sir.

Q Upon what do you base the claim of your husband?

A Inter-married citizen, I suppose.

Q Where do you live? A Seven miles south west of Ardmore, in the Chickasaw Nation.

Q How long have you lived in the Chickasaw Nation? A All my life.

Q Never have lived out of the Choctaw Nation? A No sir, I have been out, but have always made my home in the Chickasaw Nation.

Q What is the name of your father? A. John Moore.

Q Is he living? A. No sir.

Q When did he die? A When I was about four years old.

Q Was he a white man? A. He claimed to be one fourth Indian.

Q What kind of Indian? A I do not know; I think Choctaw; I am not certain.

Q Was he living in the Chickasaw Nation at the time of his death?

A No sir, he was in Texas.

Q What is the name of your mother? A Lizzie Moore.

Q Is she living? A Yes sir.

Q Is she a white woman? A No sir, she is a one half Indian.

Q What kind of Indian? A Mississippi Choctaw.

Q Where does she live? A Seven miles south west of Ardmore.

Q How long has she lived there? A About two years.

Q How long has she lived in the Chickasaw Nation? A All her life, I suppose; ever since I have been old enough to know.

Q Never lived in Mississippi? A No sir.

Q What proportion of Choctaw blood you claim? A Three eighths.

Q Did ~~your~~ the names of your mother or father either ever appear on the Choctaw Tribal rolls? A I do not know.

Q Did you ever hear of their appearing on the tribal rolls?

A No sir.

Q Were they ever recognized by the Choctaw tribal authorities as Choctaw citizens? A I do not know.

Q Did you ever hear they were? A No sir.

Q Has your name ever appeared on any of the tribal rolls of the Choctaw Nation? A Not that I know of.

Q Have you ever applied to the tribal authorities for citizenship in that Nation? A No sir.

Q Did you appear before the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A. No sir.

Q You have never been recognized as a citizen of the Choctaw Nation?

A Not that I know of; I do not know anything about it.

Q Upon what treaty do you base your claim? A I do not know anything about the treaties; I was born and raised here.

Q Upon what do you base your claim as a Mississippi Choctaw?

A I was always taught that I was a Mississippi Choctaw; that is all I knew.

Q You do not then base your claim upon any particular article of any particular treaty? A No sir, I do not know anything about

the articles.

Q You do not base your claim on the fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know anything about it.

Q You never took advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, did you?

A I do not know anything about it.

Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?

A I do not know anything about it.

Q You never received any land as beneficiary under the fourteenth article of the treaty of Dancing Rabbit Creek?

A I do not know anything about that.

Q You stated that you have been holding land all your life; where have you been holding land? A Down there where I live in the Chickasaw Nation.

Q You never received any land in Mississippi, did you? A. No sir.

Q Did any of your ancestors ever receive and land as beneficiaries under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know anything about it.

Q Are you married? A. Yes sir.

Q What is the name of your husband? A. Joe Henry.

Q You make application for him, do you? A. Yes sir.

Q What is the name of his father? A. His father is named Jim Henry.

Q Is he living or dead? A. He is dead.

Q What is the name of your husband's mother? A. Priscilla Henry.

Q Is she living? A. Yes sir.

Q Does your husband claim to have any Indian blood in his veins?

A No sir.

Q Have you any children? A. Yes sir, I have two.

Q What are their names and ages? A The oldest one is Myrtle E. Epps, six years old, and Emma E. Epps, four years old.

Q These are not the children of your present husband? A No sir.

Q What was your first husband's name? A Bill Epps.

Q He is the father of these two children? A. Yes sir.

Q The foundation of the claim of these two children is the same as your claim, is it? A. Yes sir.

Q Is there any additional statement in regard to your case you desire to make at this time? A I will present other evidence later on.

Q You desire to present other evidence later on, you say?

A Yes sir.

Any affidavits, papers or other written evidence which may be presented by you at a later date will not receive the consideration of the Commission in connection with this application, but will be forwarded in connection with the other evidence in your application to the honorable Secretary of the Interior for his consideration, when the final rolls of citizens of the Choctaw Nation are forwarded him for approval.

Q Have you any papers you desire to file at this time? A. No sir.

Examination by L. P. Hudson of Miss Lizzie Henry, being called as a witness in the case of Mary Henry, and Lizzie Henry, being sworn by Acting Chairman, Tams Bixby, testified as follows:

Q State your name, age and residence. A Lizzie Henry; forty years old the 2nd day of coming October; live seven miles south west of Ardmore; my Postoffice is Ardmore.

Q How are you related to Mary Henry? A She is my daughter.

Q How long have you lived in the Indian Territory? A. All my life.

Q Born here? A Born just across the river, near Denison. (Texas)

Q What was your father's name? A Thomas Helden.

Q White man? A He was a one quarter Indian.

Q What kind of Indian? A Choctaw.

Q Where did he come from to the Territory? A He was raised here.

Q Do you know where his people formerly came from? A From Pontotoc County, Mississippi.

Q When? A They came here I reckon when they first brought them to the Country; I heard my father say he was only seven years when he first came here.

Q Have you ever been on the tribal rolls in the Choctaw Nation?

A I do not know.

Q What was your first husband's name? A. Jon Moore.

Q White man or Indian? A He was a quarter Indian.

State whether or not he was ever on the tribal rolls?

A I think he was; I can not swear he was, but I am confident he was.

Q Have you ever paid any permits in the Indian Territory? A. No sir.

Q During all the time you have been here, have you held land?

A All the time ever since I have been keeping house.

Q Are you holding lands now? A. Yes sir.

Q Where? A Down here on Hickory where I live.

Q You say you think Mary's father was on the tribal rolls?

Q Yes sir, I think he was, but I would not be positive.

Q When did he die? A When Mary was about four years old.

Q Have you ever been called upon by the Authorities to pay a permit tax? A. No sir.

Q Have you ever been called upon by them to pay any tax? A. No sir.

Q Did you ever make application to the tribal authorities to be enrolled? A. Yes sir.

Q What was done with that application? A My understanding was that I went before the Committee and they accepted me, and I ---

Q That was not the tribal authorities Mrs. Henry; I mean did you ever apply to the Indian authorities to be enrolled? A. No sir.

Q Why not? A I will tell you; about ten years ago when they used to hold the Committee at Tishomingo -- I do not know what caused them to bust, but they dismissed and they quit having citizenship down there.

By the Commission.

Q You spoke of going to the tribal authorities at Tishomingo; this was the capitol of the Chickasaw Nation, was it not? A No sir, it was Choctaw I understood it; it was told to me it was the Choctaw; I went to the Choctaws.

Q You said something awhile ago about some of your ancestors coming from Mississippi to the present Choctaw Nation in an early day?

A Yes; that was way back.

Q What relatives were they of your's? A My grand pa and my grand-ma.

Q Do you know just when they came out here to this country - the new Choctaw Nation? A No sir, I do not.

Q Was it when the Choctaws were first moved from the old Choctaw Nation east of the Mississippi River to the new Choctaw Nation that they came out here? A I think that was when it was. My father was about seven years old when he first came here; when my father was brought here.

Q How old would your father have been if he were living at this time? A I can not tell you.

Q Do you know what year he was born in? A. No sir.

Q How long has he been dead? A. Ever since I was about ten or twelve years old.

Q And you are how old? A About forty (40)

Q He has been dead then about twenty-eight years; How old was he when he died? A Sixty-six (66) years.

Q It was your understanding that your father came to the present Choctaw Nation with his parents when the first Choctaws were moved from the State of Mississippi by the Government of the United States to the present Choctaw Nation? A. Yes sir.

Q You think that is a fact, do you? A. Yes sir.

-4-

By the Commission to Mary Henry.

A copy of the decision of the Commission in the matter of your application for yourself and for your minor children for identification as Mississippi Choctaws, and for your husband as an inter-married Mississippi Choctaw will be furnished you in writing at a later date, mailed you at your present Post-office address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 26th day of June, 1900.



ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 20, 1902.

Additional Testimony in M.C.R. 287

Applicant represented by J.G.Ralls, attorney.

Mary Henry being first duly sworn gives additional testimony in reference to her application for identification as a Mississippi Choctaw, M.C.R. 287, as follows:

Examination by the Commission:

Q What is your name? A Mary Henry.
Q What is your age? A Twenty three.
Q What is your post office address? A Ardmore.
Q Did you make application to be identified as a Mississippi Choctaw on June 18, 1900, at Colbert, Indian Territory, before the Commission there? A Yes sir.
Q Do you now come before the Commission to give additional testimony in your application? A Yes sir.

Examination by J.G.Ralls:

Q You claim your Indian blood through your mother, do you? A Yes sir.
Q Your father was a white man, was he? A Well, he had some Indian but I don't know what kind or nothing about it.
Q How much Choctaw blood did your mother have? A A half it was supposed.
Q What is her name now? A Lizzie Henry.
Q How is it you and she have the same name? A We married brothers.
Q What was her maiden name? A Holden.
Q Did she get her blood through her father or mother? A Her father.
Q What was his name? A Thomas Holden.
Q How much Choctaw blood did he have? A Full blood.
Q Did you ever see him? A Of course I didn't.
Q Do you know where he lived and died? A No sir.
Q Did your mother ever tell you? A No sir; she was a small child when he died, and so never did tell me; it seems to me he was drowned.
Q Do you know the name of his father or mother? A His mother's name was Sallie McLaughlin.
Q What was his father's name? A Holden; but his given name I don't know.
Q Sallie McLaughlin was his mother's maiden name, was it? A Yes sir.
Q Was she a full blood? A Yes sir.
Q Your mother lives at Ardmore now, does she? A Yes sir.

Q Did you have her as witness in your behalf at the time of your application at Colbert in 1900? A Well, I had her there--

Q She appears in the records of this case to testify in your behalf; at that time she was forty two years old. A Yes sir.

Q And her post office address was Ardmore? A Yes sir.

Q And that you are her daughter? A Yes sir, and she was half Indian.

Q And that her father's name was Thomas Holden? A Yes sir.

Q And that he was a quarter Indian? A He was full blood.

Q Did you hear her testify? A No sir; but that's what she always told me- that she was half, and how could she be half if he was only a quarter?

Q Have you any witnesses here who were acquainted with Thomas Holden during his life time? A He is over eighty years old and he can tell you more than I know (pointing to an old man); I don't know anything except what I have been taught; my grandmother was a full blood Choctaw woman whose name was Sallie McLaughlin and her husband also was a full blood a Holden but I don't know what his given name was.

Examination by the Commission:

Q Do you speak the Choctaw language? A No sir.

Q You never associated enough with them to learn the language?

A No sir.

Examination by J. E. Ralls.

Q Do you know whether or not any of your ancestors went before the United States Indian agent, Colonel Wm. Ward, within six months after the ratification of the treaty? A No sir I don't know that.

Q You don't know anything about an attempt to comply with article fourteen of the treaty of 1830? A No sir.

Q You don't know anything about any of your ancestors getting any land scrip? A No sir.

Q Never heard of it? A No sir.

Q Do you know about whether Thomas Holden lived in Mississippi in 1830? A No sir.

Q Do you know where he was supposed to live? A I think they came from Mississippi but I don't know where or anything about it.

Examination by the Commission:

Q Did any of your ancestors live in the old Choctaw Nation in Mississippi or Alabama and have children there then? A I know they lived in Mississippi but I don't know what time. Or I don't know whether they had children there then.

Q You claim through your father- or mother? A Mother.

Q And she claims through her father or mother, which? A Her father.

Q What was his name? A Thomas Holden.

Q Do you know whether he claimed through his father or mother? A They were both Indians.

Q What was his father's name? A Holden; I don't know his first name. His mother's name was Sallie Holden.

Q You claim they were both full blood Choctaws? A Yes sir.

Q Do you know whether they lived in Mississippi or Alabama in 1830?

A No sir, I told you I didn't.

Q You are not able to state anything further then about whether any of your Mississippi Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't know anything about that.

Q Do you understand that article fourteen of the treaty of 1830?

A No sir, I reckon not.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; the object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation West of the Mississippi River, that is, to the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was put into the treaty: article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article, do you think? A I don't know.

Q Well, you understand it well enough to claim under it, don't you?

A I don't know.

Q You make a claim under it, don't you? All Choctaw Indians do.

A I don't know; I guess so.

Q You must state whether you do or not. A Yes sir.

Q Do you know if any of your Choctaw ancestors complied with the article in any way? A No sir, I don't know.

Q Did any of them own or claim any land in Mississippi or Alabama in 1830? A I don't know that.

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of them go before the Commission appointed in 1837 or 1842 and claim benefits as Choctaw Indians under article fourteen?

A I don't know anything about that.

Q You don't know anything about those Commissions? A No sir.
Q And you cannot tell anything more about your Choctaw ancestry than what you have already told? A No sir; my great grandmother, Sallie McLaughlin is as far as I can go.
Q And she lived in Mississippi? A Well, they all come from there.
Q How old would she be if living now? A I can't tell you; probably old man Summit can; his mother was a sister of Sallie McLaughlin.
Q Where did she die? A I don't know.
Q Did she live in Mississippi? A I don't know whether she died there or here.
Q Was she born in Mississippi? A I suppose she was.
Q You don't know that she lived in Mississippi in 1830? A No sir.
Q Or had a family there then? A No sir.

(Witness excused;-----, and Benjamin Summit called as a witness; who being duly sworn testified as follows on behalf of applicant:

Examination by the commission:

Q What is your name? A Benjamin Summit.
Q How old are you? A Eighty.
Q What is your post office address? A Ardmore, Indian Territory.
Q You are a full blood Choctaw? A Yes sir.
Q And a member of the Choctaw tribe of Indians? A Yes sir.
Q Used to live in Mississippi? A Yes sir, was born and raised there.

By J.G.Ralls:

Q Did you know any person there named McLaughlin? A Yes sir.
Q What was that person's name--was it a man or woman? A Sallie, a woman.
Q Was she related to you in any way? A Sister of my mother.
Q To what race of people did she belong? A She belonged--that is, she married to a man named Holden.
Q She was a white woman? A No sir, full blood Choctaw Indian.
Q What was Holden? A Was Indian.
Q Full blood? A No sir; but his other name I can't recollect.
Q You don't know his given name. Do you know whether or not they had children? A They had children but I can't call their names. I testify to that I do know; that's all.
Q You don't know what became of the children? A No sir.
Q You don't know anything about Mrs. Henry here? A Yes sir; well, Mrs. Henry was a second cousin of mine.
Q How is that? A Well, it come in the Holden family; Sallie Holden or Sallie McLaughlin, she was a sister to my mother, and my mother--and Sallie's children married in some way in the Holden family; they married this woman.
Q Do you know Mrs. Henry's mother? A No I do not.
Q Do you know this applicant's mother? A Yes, I do; you bet, our life I do.
Q Where does she live? A She lives five miles of Ardmore.
Q To what nationality of people does she belong? A A Choctaw.
Q How much Choctaw is she? A One half.
Q Does she speak the Choctaw language? A She can.
Q Do you speak the Choctaw language? A I believe I can.
Q I want to know if you can. A I can do it, Judge.
Q Do you know anything about Sallie McLaughlin or her husband, Holden complying or attempting to comply with article fourteen of the

treaty of 1830? A Well, Judge, you must let me hear that again.

Q Do you know whether or not Sallie McLaughlin who married Holden or her husband, either one, complied with article fourteen of the treaty of 1830? A Whether they moved from there or stayed there - is that what you mean?

Q Well, did they remain? A They remained there.

Q How long did they remain there? A Ever since I can recollect anything; Sallie died there.

Q When did she die there? A In '60.

Q When did her husband die there? A I can't tell you anything about that. That's correct, isn't it? Sallie McLaughlin was a full blood Choctaw Indian and she married Holden and he was a full blood Choctaw Indian.

Q Do you know whether or not Sallie McLaughlin or her husband or both of them went before the United States Indian agent, who was Col. Ward, within six months after the ratification of the treaty of 1830?

A Sallie went.

Q Tell us what she did. A She told me she was going before the Indian Commissioner and I do know that myself; and I guess she went; she got on her horse and went and she said she went; she went towards Short Creek in Mississippi.

Q How old were you then? A I was fifteen years old.

Q That's all.

(Witness excused.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 29, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 12 day of June, 1902.

Charles H. Newby

Notary Public.

Muskogee, Indian Territory, February 13, 1901.

Messrs Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the sixth instant, inclosing the application of Tommy F. Henry, the infant son of Joe T. and Mary E. Henry, born January 5, 1901, and which you desire to have filed as evidence of the birth of this child and to be made a part of the original application of Mary Henry et al for identification as Mississippi Choctaws. The application forwarded by you is accepted by the Commission as evidence of the birth of Tommy F. Henry and will be filed and made a part of the record in the application of Mary Henry, his mother, for identification as a Mississippi Choctaw, it being especially understood that it is accepted only as evidence of the birth of this child, and not to be considered in any manner as an application for enrollment of such child as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

MC R 287

Muskogee, Indian Territory, March 15, 1901.

Messrs Hudson & Arnold,

Armore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 8, inclosing requests of Frank McDonough, Ruth A. Dole, Ida McDonough, and Mary Henry to have the papers in their respective cases forwarded to the Secretary of the Interior. The requests have been duly filed with the other papers in these cases and the record so made will be transmitted to the Secretary of the Interior when the report of the Commission as to the identification of Mississippi Choctaws is forwarded to him for approval.

Yours truly,

Acting chairman.

MCR 287
MCR 334
MCR 809
MCR 810

Muskogee, Indian Territory, October 15, 1902.

Mary Henry,

Arden, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered decision in the consolidated case of Lizzie Henry, et al., embracing the following applications for identification as Chickasaw Indians:

Lizzie Henry,	M.C.R. 3711
Mary Henry, et al.,	M.C.R. 287

These applications were made under the provision of the act of Congress of June 28, 1900, (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Henry, Mary Henry, Myrtle E. Epps, Ezra E. Epps and George E. Henry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article fourteen of the treaty of eighteen hundred and thirty, and that the appli-

M.H.---2

cations for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Henry for the identification of her husband Joe Henry, as an intermarried Mississippi Choctaw, should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the matter in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior, Department of Indian Affairs.

Very truly,
S. H. H. H.

Special Agent in Charge.

H. H. H. H.

M C R 3711
M C R 227

Washoe, Indian Territory, July 9, 1903.

Lizzie Henry,
Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 23, 1903, in which you ask if the record in your case and that of Mary Henry, et al., has been forwarded to the Department.

In reply you are informed that on October 31, 1902, the record in the consolidated Mississippi Choctaw case of Lizzie Henry et al., of which the application of Mary Henry, et al., was a part, together with the decision of the Commission refusing said application, was forwarded to the Secretary of the Interior.

The Commission has not up to the present time been advised of any departmental action taken in said consolidated case. As soon as the Commission is informed of the decision of the Secretary the applicants will be duly notified thereof.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 15, 1903.

Mary Henry,

Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Henry, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

(SIGNED)

J. B. McCall

Commissioner in Charge.

M. C. 1257
7 12 1886

Washington, Indian Department, February 17, 1886.

John L. Peterson,
Rock, Indian Territory,
Agent:

Receipt is hereby acknowledged of your letter of February 4, asking whether certain land belongs to Mrs. Elizabeth M. Henry, or to Jack Coker.

In reply to your letter, we are advised that we do not desire to be referred to by you, and it is, therefore, unnecessary for you to give any information as to whether or not the land is held in allotment by any citizen or from any of the Cherokee or Chickasaw Nation.

Respectfully,

Commissioner in Charge.

M C R 287
M C R 3711

Muskogee, Indian Territory, August 10, 1906.

James H. Mathers,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th ultimo, requesting to be advised the status of the citizenship case of Lizzie Henry, nee Folsom; Mary Henry, nee Epps; Myrtle Epps; Lizzie Epps; Tommie Henry; Johnie Henry and Autrey Henry--Choctaws. You state these parties inform you that this case has been pending for several years and they would like to know as to the probable time a positive decision will be rendered as they desire to file their lands.

In reply you are informed that we are unable to locate the names of Lizzie Epps, Johnie Henry and Autrey Henry upon the records of this office.

As to the other parties mentioned in your letter you are advised that on October 15, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws, Lizzie Henry, Mary Henry, Myrtle E. Epps, Emma E. Epps and Tommey F. Henry. Such rights as these persons might have as citizens by blood of the Choctaw Nation were also adjudicated in said decision.

Notice of this action of the Commission was furnished by

J H M 2

registered mail to Lizzie Henry, Ardmore, Indian Territory; Mary Henry, Ardmore, Indian Territory; and the attorneys of record in the case, J. C. Lowery, Muskogee, Indian Territory, and J. G. Ralls Atoka, Indian Territory.

The attorneys who represented the applicants at the original hearings were Hudson & Arnold.

May 29, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered October 15, 1902. Notice of such Departmental action was furnished the applicants and their attorneys under date of July 15, 1903.

Not only the applicants but attorneys J. S. Mullen, Ardmore, Indian Territory; Andrew M. Oliphant, Tishomingo, Indian Territory; and Winfield S. Farmer, Atoka, Indian Territory, have been advised fully as to the status of this case.

There does not appear from the records of this office to be any pending motion for rehearing in this case now before the Department. Therefore the case is considered closed and it is not believed that the applicants therein are entitled to share in the allotment of lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

Memo

This case was prepared
for discussion and
withdrawn from Legal
Opinion and Candidates
with Mr. 3711

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. *A#247*
REFUSED.

Mary Henry et al.

Judgment written Feb'y 5, 1901 GR

DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES,
C. JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 20 1901

[Signature]
ACTING CHAIRMAN.

*Supplemental judgment refusing
Tommy G. Henry to be prepared*
2/22 '01

3911

DECISION PREPARED

REFUSED

DECISION RENDERED: OCT 15 1902
NOTICE OF DECISION MAILED APPLICANT.

OCT 15 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 15 1902

NOTICE
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 15 1902

OCT 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 15 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUL 15 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL 15 1903

TO M.C.R.

MEMORANDA.

MISSISSIPPI CHOCTAW.

(Date)

June 18, 1900
~~JUN 10 1900~~ 1899.

Name

Mary Henry (21).

Choctaw?

MISSISSIPPI CHOCTAW County

not on roll 1885 No.

Chickasaw?

no

County

"

"

"

Year

1896

Page

Citizen by blood?

yes (3/4)

Mother's citizenship

CHOCTAW.

1 1/2

Intermarried citizen?

no

Married under what law?

License filed this day,

Wife's name,

Johanna Henry

Choctaw?

no

County

not on roll

Year

1885

No.

Chickasaw?

no

County

"

"

Year

1896

Page

Citizen by blood?

no

Mother's citizenship

Intermarried citizen?

yes

Married under what law?

License filed this day

Names of children:

- (6) Myrtle Lee
- (4) Emma C.

County

County

County

County

County

County

County

County

County

Year

Year

Year

Year

Year

Year

Year

Year

Year

Year

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No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
given before this
8th day

MISSISSIPPI CHOCTAW.

Claims
for
Children

- (father) - John Moore (DEAD) (Choc. 1/4)
- (mother) - Lizzie Henry
- (father) - Jim Henry
- (mother) - Precious Henry

Choctaw MCR 288

MCR 288

Ronchali G. Barron

See MCR 44, 45, 46, 47, 48, 51, 52
53, 54, 57, 58, 89, 262, 263, 264
367, 368, 370, 371, 372, 1366, 1360
1361, 5220

A

IP-1 CHOC-12

R. 398

Ronchali G. Barron et al

A.

IP-1 CHOC-12

44. 45. 46. 47. 48. 51. 52.
53. 54. 57. 58. 89. 262. 263. 264. 367.
368. 370. 371. 372. 1366. 1360. 1361. 5220.

Department of the Interior,

Commission to the Five Civilized Tribes.

This document is an official copy as
steno-graphed and taken down by official stenographer,
transcript is a true and correct translation of
my stenographic notes.

M. J. Green

Commission to the Five Civilized Tribes,

South McAster, Indian Ter.

In the application of Ronchali C. Barron for enrollment as a
cheetaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Ronchali C. Barron.

Q How old are you? A Forty-eight.

Q Are you on the cheetaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the rolls here in
the cheetaw nation? A I don't think they have; my father

used to live here.

Q When? A I don't know when, - a good many years ago.

Q You don't know that he lived here then do you? A I heard
him say he did.

Q Where did he live and die? A In Texas.

Q When? A ~~And~~ he die? A In 1874.

Q Had he been living in Texas ever since you could remember?

A Yes sir, I was born and raised in Texas.

Q When did you come to the Territory? A Seven years ago, the
first time, and staid here five years.

~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

Q Where did you go? A Back to Texas.

Q How long did you stay there? A Eighteen months.

Q When did you come back then? A Little over a year ago.

Q What time? A Along in August, I think, of last year.

Q You have got a family? A Yes sir.

Q Were they with you in Texas? A Part of the time, yes sir.

Q Did you not move your family over there? A Yes sir.

Q And lived there with your family for eighteen months? A Yessir

Q And returned here August of last year? A Yes sir.

Com'r McKennon: Enrollment is refused.

912 1285

Department of the Interior,
Commission to the Five Civilized Tribes,
Oelbert, I.T., June 18, 1900.

In the matter of the application of Ronchali G. Barron for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q What is your name? A Ronchali G. Barron.
- Q How old are you? A I am 49.
- Q What is your post office address? A Durant.
- Q How long have you lived in the Indian Territory? A I have been living in the Indian Territory about 8 years the last time, I went out.
- Q Where did you live before coming to the Indian Territory? A Texas.
- Q How long had you lived in Texas? A I was born in Texas and lived there until January 1894 and then came to the Territory.
- Q Did you ever live in Mississippi? A No, sir.
- Q What is your father's name? A Thomas H. Barron.
- Q Is he living? A No, sir.
- Q Was he a white man or a Choctaw Indian? A He was a Choctaw Indian.
- Q What proportion of Choctaw blood did he claim to have in his veins? A I don't know, he was very near a full blood, I think.
- Q Was his name ever on the Choctaw Tribal rolls? A I don't think so.
- Q Was he ever recognized by the Tribal authorities as a Choctaw Indian? A I don't know anything about it.
- Q What is your mother's name? A Mary Jane.
- Q Is she living? A No, sir.
- Q Was she a white woman? A She was a Choctaw Indian, I don't know how much.
- Q What proportion of Choctaw blood do you claim to have? A I am very nearly half.
- Q Has your name ever been upon the Choctaw Tribal rolls? A No, sir.
- Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A I was recognized here as far as permits and things of that kind.
- Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir, I applied to the Dawes Commission last fall.
- Q You never applied to the Tribal authorities? A No, sir.
- Q Did you apply to the Dawes Commission in the year 1898?
- A No, sir.
- Q You did apply a year ago to this Commission? A Yes, sir, at South McAlester.
- Q When you were before the Commission at South McAlester in 1899 did you say you were a Mississippi Choctaw? A I don't know whether I stated that or not, I have always claimed that; I don't know whether that was in my statement or not.
- Q You are quite sure that you had ascertained before that time that you were a Mississippi Choctaw? A Yes, sir.
- Q Why didn't you so state to the Commission in 1899? A I can't suppose they asked me that question.
- Q They asked you quite a number of questions, you certainly had an opportunity to say you were claiming as a Mississippi Choctaw? A I don't remember it.
- Q As a matter of fact you really hadn't thought of it? A I don't suppose it was asked, I don't recollect whether it was or not.
- Q You would have stated it yourself if you were claiming to be a Mississippi Choctaw, would you not? A It strikes me that they asked

Benchali G. Barron - 2.

me if I was a Choctaw, I think that is what they asked me.

Q Under which treaty do you claim identification as a Mississippi Choctaw? A 1830, wasn't it.

Q Do you claim under any particular article of that treaty?

A I don't know anything about the articles.

Q Did you ever take advantage of the provisions of the 14th article of that treaty? A No, sir.

Q Did any of your ancestors? A Not that I know of.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.

Q Did any of your ancestors? A Not that I know of.

Q You are claiming for your children, are you? A Yes, sir.

Q You claim they are Mississippi Choctaws? A Yes, sir.

Q Do they live at home with you? A Yes, sir.

Q Their residence and post office address is the same as yours?

A Yes, sir.

Q What is the name of their mother? A Martha Pocahontas Barron.

Q Is she living or dead? A She is living.

Q Did you marry her under Choctaw law? A No, sir, I married her in Texas.

Q Were you living in Texas at the time of your marriage? A Yes, sir.

Q Where did you marry? A In Falls County.

Q When? A In 1872.

Q Do you want to file your marriage license and certificate?

A I can't do it, it is burned up.

Q What are the names and ages of your children under 21 years of age and unmarried? A Hamlet is 20, Mary A. will be 13 in August.

Q Is there anything in regard to your case that you would like to state at this time? A No, sir.

Q Do you want to offer these papers? A Yes, sir.

Mr. J. O. Poole, attorney for applicant: Have you any improvements in the Choctaw Nation, Indian Territory? A I have a farm.

Q Do you pay any permit to the Choctaw Nation? A I haven't.

Q Do you permit men under you? A I have one now, but I haven't got him permitted.

Q Does the Choctaw authorities, the permit Choctaw authorities, recognize you as an indian? A I reckon so, they don't ask me for any permit.

Q Have you any brothers and sisters that are enrolled as citizens and members of the Choctaw Nation and tribe? A I have one brother and three sisters and some nephews and cousins.

Mr. Cornish: What is your name? A Barron

Q Were your brothers and sisters admitted by the United States Court? A Yes, sir.

Q Do I understand you to say you are holding land of the Choctaw Nation? A Yes, sir.

Q Have you ever been recognized as a citizen? A No, sir.

Q Is your name on the tribal rolls? A No, sir.

Q By what authority are you holding the land? A I think I have a right, that is all.

Q Have you ever been placed on the tribal rolls by the tribal authorities or by the United States Courts? A No, sir.

Q By whose advice are you holding the land? A I can't tell you.

Q Has any lawyer advised you to hold land in the Choctaw Nation as a citizen? A It is a general custom of the citizens.

Q Is it customary for non citizens to hold land? A I claim to be a citizen.

Q Your name is not on the tribal rolls? A No, sir.

R. C. Barron - 3.

Q Then you are now a citizen. What is your answer to my question, by what authority are you holding land in the Choctaw Nation, and by whose advice are you holding it? A I thought I had a right to it.

Q Have you been advised by any persons that you had a right to hold lands in the Choctaw Nation? A It is the general custom of the country.

Q Where do you hold this land? A Between Long Creek and Bayou below Utica.

Q How much land do you hold? A About half a section.

(Certain affidavits purporting to establish the Choctaw blood of this applicant introduced in evidence and marked Exhibit A and made a part of the record; also several copies of the judgment of the United States Court.)

The Commission is unable from the evidence in this case to identify you or your children as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28, 1898. The decision will be furnished you setting forth more fully its reason for arriving at this conclusion, in writing and mailed to your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29th day of June, 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
ATOKA, INDIAN TERRITORY, NOVEMBER 6, 1901.

In the matter of the application for identification
as Mississippi Choctaws of Renchali C. Barron et al., M.C.R.288.

In the matter of the application for identification
as Mississippi Choctaws of Mozella J. StCyr et al., M.C.R.44.

In the matter of the application for identification
as a Mississippi Choctaw of Eliza A. Taylor, M.C.R.45.

In the matter of the application for identification
as a Mississippi Choctaw of Cornelius B. Taylor, M.C.R.46.

In the matter of the application for identification
as Mississippi Choctaws of John H. Taylor et al., M.C.R.47.

In the matter of the application for identification
as a Mississippi Choctaw of Mary Ann O. Smith, M.C.R.48.

In the matter of the application for identification
as Mississippi Choctaws of Thomas B. Crudup et al., M.C.R.51.

In the matter of the application for identification
as Mississippi Choctaws of Almeda White et al., M.C.R.52.

In the matter of the application for identification
as Mississippi Choctaws of Rebecca C. Patterson et al., M.C.R.53.

In the matter of the application for identification
as Mississippi Choctaws of Celia Nix et al., M.C.R.54.

I In the matter of the application for identification
as Mississippi Choctaws of Robert H. Patterson et al., M.C.R.57.

(2)

In the matter of the application for identification
as Mississippi Choctaws of Nellie Davis et al., M.C.R.58.

In the matter of the application for identification
as Mississippi Choctaws of Fred M. Patterson et al., M.C.R.89.

In the matter of the application for identification
as Mississippi Choctaws of Dessie Taylor et al., M.C.R.262.

In the matter of the application for identification
as Mississippi Choctaws of Annie Patterson et al., M.C.R.263.

In the matter of the application for identification
as Mississippi Choctaws of Della J. Spencer et al., M.C.R.264.

In the matter of the application for identification
as a Mississippi Choctaw of Charlie E. Cunningham, M.C.R.367.

In the matter of the application for identification
as Mississippi Choctaws of Ella Neely et al., M.C.R.368.

In the matter of the application for identification
as a Mississippi Choctaw of William C. Cunningham, M.C.R.370.

In the matter of the application for identification
as Mississippi Choctaws of Almeda O. Tyler et al., M.C.R.371.

In the matter of the application for identification
as Mississippi Choctaws of Thomas L. Cunningham et al., M.C.R.372.

In the matter of the application for identification
as Mississippi Choctaws of Mozella Petree et al., M.C.R.1360.

In the matter of the application for identification
as Mississippi Choctaws of Millie A. Malone et al., M.C.R.1361.

In the matter of the application for identification
as Mississippi Choctaws of Claudie Litteral et al., M.C.R.1366.

(3)

Transcript of proceedings had on rehearing of the above entitled causes held at the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, Wednesday, November 6, 1901.

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In accordance with instructions of the Commissioner of Indian Affairs of August 2, 1901, transmitting to this Commission for further hearing certain applications considered in this case under the instructions of the Department of July 25, 1901, the several applicants named herein were, on September 5, 1901, informed that the Commission would hear additional testimony in support of their several applications at Atoka, Indian Territory, Wednesday, November 6th, 1901, at nine o'clock A. M. Notice of the hearing of such additional testimony also having been furnished Messrs. Mansfield, McMur-ray & Gernish, attorneys for the Choctaw and Chickasaw Nations.

Appearances:

Chester Howe, attorney for applicants.

No appearance by Choctaw or Chickasaw Nations.

WEDNESDAY, NOVEMBER 6th, 1901, NINE O'CLOCK A. M.

The attorney for the applicants here tenders to the Choctaw Nation for any cross-examination or further examination, each and every applicant and witness whose affidavits or statements are heretofore filed in this record and presents for that purpose at this time the heads of families of the cases herein above named. This application being made for the purpose of permitting the Nation as an interested party in this suit to make any personal cross-examination which it or its attorneys may desire to make, and for the information of the Commission moves to be permitted to file in the record duly certified copy of certain depositions taken in the case of R. L. Crudup et al. vs Choctaw Nation, the same being citizenship case No. 105 in the United States Court for the Central District of the Indian Territory at South McAlester, I. T., and requests permission to make proof of the death of a portion of said parties to establish still further the right to introduce depositions offered.

By the Commission:

The papers you wish to introduce is a certified copy of the record of the United States Court in this case of R. L. Crudup filed under the Act of Congress of June 10, 1896?

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By Chester Howe:

It is, being only a portion of that record as there is now in the record a certified copy of the affidavits, depositions and answer, and this refers to the depositions of witnesses taken in this cause whose testimony could not be secured before the Commission.

Motion of Chester Howe, attorney for applicants, for filing of depositions is granted, and the papers consisting of:

Copy of affidavit of J. C. Campbell as to application of citizenship of Viola Barron, now Sharp and Low Barron now Porter.

Copy of the statement of Charles Campbell presented by applicant.

Copies of affidavits of G. G. Gibson, J. M. Jackson, and W. H. Lambright.

Copy of the notice by R. L. Crudup et al by their attorney J. O. Pool, that deposition of George Colbert and others be read in evidence in the case of R. L. Crudup et al. vs Choctaw Nation, No. 105.

Copy of deposition of George W. Colbert taken on interrogatories after due service of notice in the case of R. L. Crudup et al. vs Choctaw Nation, No. 105.

Copy of notice to take depositions in the case of R. L. Crudup et al. vs Choctaw Nation, No. 105, of the witnesses L. J. McDaniel, A. J. Penrod, J. H. Nealey, S. D. Gains and P. A. Spring and others to be read in evidence in the above entitled cause.

Copy of depositions of L. J. McDaniel, A. J. Penrod and J. H. Neely taken on interrogatories after due notice, in the case of R. L. Crudup et al. vs Choctaw Nation, No. 105.

By the Commission:

The foregoing copies being certified to by E. J. Fannin, clerk of the United States Court for the Central District of the Indian Territory at South McAlester, I. T., as true and correct copies of the original which are on file in the office of the United States Court for the Central District of the Indian Territory, in the case of R. L. Crudup et al. vs Choctaw Nation.

J. L. Litteral, an applicant in this cause, being first duly sworn as a witness, testified as follows:

Attorney for applicants here states that this witness is

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now introduced for the purpose of further qualifying and rendering more fully competent the depositions above offered and requests that he be examined as to his knowledge of the whereabouts of J. M. Jackson, one of the deponents.

Examination by the Commission:

- Q What is your name? A Litteral.
Q What is your full name? A Joseph L. Litteral.
Q What is your age Mr. Litteral? A I am forty-one.
Q Where do you live? A I live in Texas.
Q What is your occupation? A Merchant.
Q Are you an applicant before this Commission for identification as a Mississippi Choctaw? A No sir, I am not, only for my children.
Q What is your nationality? Do you claim to be a Choctaw by blood? A No sir.
Q You have been before this Commission for the purpose of identifying your children as Mississippi Choctaws? A Yes sir.
Q When did you appear? A Why sometime last summer, I don't know. Maybe-----at South McAlester.
Q You are interested in the prosecution of the claim of these applicants in this case? A Yes sir.
Q On behalf of your children? A Yes sir.

By Chester Howe:

- Q Did you know J. M. Jackson one of the parties whose deposition was taken in the case of R. L. Crudup vs Choctaw Nation, and a certified copy of which is offered in this case, did you know him? A Yes sir, I knew Mr. Jackson.
Q When did you last hear in regard to him? A Well sir, Mr. Jackson has been dead I think something about two years, I am not positive exactly how long, somewhere along there.

Witness excused.

J. O. Pool, being first duly sworn as a witness, on his oath testified as follows:

By the Commission:

- Q What is your name? A J. O. Pool.
Q Where do you live? A Neosho, Texas.
Q What is your occupation? A Attorney.
Q How long have you been a practicing attorney? A Twenty-five years.
Q What is your age? A Fifty-eight.

By Chester Howe:

- Q Mr. Pool were you acquainted with George Colbert in his lifetime? A Yes sir.

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- Q When did you last hear from him; with regard to him?
A In the summer of last year I heard that he was dead.
Q Where did you learn that fact? A In the neighborhood where he lived. I went to get him as a witness in this case and the neighborhood informed me that he was dead.
Q Went for him to secure his presence in this line of cases which are now before the Commission? A Yes sir.
Q And ascertained of the fact that he was dead? A Yes sir.

By Chester Howe:

The applicants now present themselves before the Commission for such further examination as may be desired by the Commission, and in their capacity as applicants against the Choctaw Nation only, rest their cases subject to the investigation of the Commission.

Almeda White, an applicant in this cause, being first duly sworn as a witness, on her oath testified as follows:

By the Commission:

- Q What is your full name? A Almeda White.
Q Where do you live? A I live in Davis, Indian Territory.
Q How long have you lived there? A Three years, near four years.
Q What is your age? A Sixty-nine.
Q Where did you live before you lived there? A I lived in Texas.
Q Were you born in Texas? A Yes sir.
Q Always lived in the state of Texas until you removed to the Territory? A Yes sir.
Q Have you ever made application before the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw? A Not until this.
Q Did you appear at Colbert, Indian Territory, June 14, 1900, and make application? A Yes sir.
Q Did you apply for yourself alone at that time? A No sir, I applied for my family, my children.
Q Did you apply for Alice Petree and Ollie Petree? A Yes sir, grandchildren.
Q These are grandchildren of yours? A Yes sir.
Q At the time you made your application for the identification as Mississippi Choctaws of yourself and your grandchildren, through what ancestor did you claim the right to be identified?
A Grandfather and father.
Q What is your grandfather's name? A Barron.
Q What is his full name? A John.
Q John Barron? A Yes sir.
Q B-a-r-r-o-n? A B-a-r-r-o-n
Q Was John Barron a white man? A No sir, part Indian; half blood I reckon. We was always called Indians.
Q How do the several applicants in this case receive their rights as Choctaws as descendants of John Barron or descendants of his wife Martha Berriman? A How is that?

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- Q Now do the several applicants in this case receive their rights as Choctaws as descendants of John Barron or descendants of his wife Martha Perriman? A We all do on my family; my family and my father's family do.
- Q Do you claim that your grandfather or grandmother was a recognized member of the Choctaw tribe? A Well I guess grandfather and grandmother both; both had the blood in them but I couldn't tell exactly what it was; I suppose it was Choctaw because we had Choctaws around us in Texas; we had one family that stayed with us nearly all the time.
- Q You say you claim through John Barron? A Yes sir.
- Q And he was your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A Well, I suppose he was half blood but I don't know for certain; I think that's what the proof is; I think that people that knowed him have proved up that he was half blood. My grandmother had blood in her.
- Q His wife, what was her name? A I cant recall her name----Martha.
- Q Martha Barron? A Yes sir.
- Q What was her maiden name? A Well, can I call the children to ask? I cant recollect.
- Q No, you tell what you know? A I think her name was Perriman.
- Q How much Choctaw blood did she have? A I suppose she was one-half or one-fourth; I-----
- Q You are not certain how much Choctaw blood your grandfather, John Barron, had; or how much his wife had? A No sir, I don't positively know, for I was very young. I wasn't born until after my father moved to Texas.
- Q You are seventy-nine now? A Yes sir, in my seventy-ninth year.
- Q Where were you born? A Washington county.
- Q In what state? A Texas.
- Q Have you any recollection of your grandfather or grandmother through whom you claim the right to be identified? A I never saw them in my life; only know what father told me.
- Q Upon what information do you base your knowledge of the fact that your grandfather, John Barron, had Choctaw blood, or that his wife had Choctaw blood? A Because it has been proven that they did have by old friends and it has been known that he did have it, but I cant say that I knowed it for sure.
- Q What some body has told you in the family? A No sir, out of the family. Old people has told me that. I don't know what---
- Q Did you ever hear of the treaty of 1830? A Yes sir I heard that, but of course I wasn't born----
- Q Have you heard of it at any time and do you know what it was made for and between whom it was made? A I have read--but I have read of and heard that but I have forgot.
- Q Where was your grandfather, John Barron, born? A I cant tell you.
- Q When was he born? A I cant tell you.
- Q When did he die? A Cant tell you.
- Q Where did he die? A I couldn't tell you. I suppose he died in the Nation.
- Q Did you ever hear that he lived in the old Choctaw Nation in Mississippi and Alabama? A I don't know that I did, but I think he did.

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- Q What makes you think he did? A I don't know what makes me think so; I have heard it.
- Q I want to get the source of your information as well as I can?
- A Well, I don't want to commit myself and I can't recollect why, and I-----
- Q Did you ever hear or ever know that his wife, Martha Barron whose maiden name was Martha Perriman, ever lived in the old Choctaw Nation in Mississippi or Alabama? A I never heard of it.
- Q Do you know whether they did live there? A I don't know.
- Q Through which parent did John Barron, your grandfather, obtain his Choctaw blood? A I couldn't tell you.
- Q Could you give me the name of the father of John Barron?
- A No sir.
- Q Of his mother? A No sir.
- Q Could you tell whether he got his Choctaw blood through his father or mother? A No sir.
- Q Do you know whether either his father or mother lived in Mississippi or Alabama? A No sir, I don't know.
- Q Through which parent did his wife, Martha Perriman, get her Choctaw blood? Father or mother? A I couldn't tell you that.
- Q What was her father's name? A Can't tell.
- Q What was her mother's name? A I can't tell you.
- Q Did either of them live in the old Choctaw Nation in Mississippi or Alabama? A Can't tell you.
- Q You claim your Choctaw blood through which parent? Your father or mother? A Both.
- Q Through both father and mother? A Yes sir.
- Q When did your father die? A I guess he must have died in '63 or 4.
- Q Where? A Texas.
- Q What place in Texas? A In Falls county.
- Q How old was he when he died? A I suppose he was seventy-four or five years old.
- Q Did he ever live in the old Choctaw Nation in Mississippi or Alabama? I don't know; he did when he was a boy; young man when he come to Texas.
- Q Where was he born? A Don't know.
- Q In Mississippi or Alabama? A Don't know.
- Q Mrs. White you are sixty-nine years of age now? A Yes sir, 10th day of September; sixty-nine.
- Q Daughter of Thomas Barron? A Yes sir.
- Q Any brothers or sisters older than you? A None living.
- Q Where was you born? A I was born in Washington county.
- Q How long before your birth had your parents been living in Texas? A I think they come here in '29 or '30.
- Q Where from? A From Red River, Choctaw Nation. I think I heard my husband speak of being in with the Choctaws; I think---
- Q In 1830 your father was a resident of the state of Texas?
- A I couldn't say for certain that he was.
- Q How long was it after 1831 that you was born? A I was born in 1832.
- Q Now all of the applicants in this case are your co-relatives and the descendants of Thomas Barron? A Yes sir.
- Q You are the oldest living child of Thomas Barron? A Oldest one.

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- Q How many children did you have? A Twelve.
- Q What is the oldest one's name? A Joseph Cunningham.
- Q Is he living? A No sir, died last year; June a year ago.
- Q Did he have any children? A Yes sir.
- Q What were his children's names? A William C., Thomas L., Charley E. and Ollie and Nell---
- Q Is that Almeda Tyler the one after Charley? A Yes sir, and Ellen Neeley--
- Q Then the next after Ellen Neeley? A Leon.
- Q Is that James L.? A Yes sir.
- Q Is he living? A Yes sir.
- Q Where? A In the Territory here.
- Q What is the next one? A Florence.
- Q Now were any of these children of Joseph Cunningham married that you know of? A They are all married but two; the two youngest, Florence and Leon.
- Q Is William C. Cunningham married? A Yes sir.
- Q Has he any children? A Has two I think.
- Q What are their names? A I couldn't tell you; I haven't lived nowhere near them. Their grandmother is here, she can tell you if you wish to know. I don't know what the names are. I know what Ollie's children's names is, but I don't know any of the rest.
- Q What are the names of Almeda O. Tyler's children? A One's name is Vernon and the other-----I left the child a minute ago but can't think of his name-----Raymond.
- Q What is your next child's name? A Elizabeth Cunningham?
- Q Is she married? A Yes sir.
- Q To whom was she married? A Phelps.
- Q Did she have any children by Phelps? A Yes sir.
- Q Where are these children now? A Some of them in Texas; they are all in Texas; some of them have never been represented in this case; the oldest set of the children hasn't been represented; all married and weren't represented. This Phelps died and she afterwards married Mr. Higgins. She has two of the children that is represented in this case and two Higgins children.
- Q Has Eliza Higgins herself ever been before the Commission?
- A No sir, she died before the Commission-----before we ever went before the Commission.
- Q What is your next child's name? A Mozella Cunningham?
- Q Married? A Yes sir.
- Q What is her name now? A StCyr.
- Q She is an applicant to the Commission for identification as a Mississippi Choctaw? A Yes sir.
- Q Now these three children, Joseph L. Cunningham, Elizabeth Higgins and Mozella J. StCyr, are your children by your first husband? A Yes sir.
- Q After the death of your first husband, whom did you marry?
- A Mr. Crudupp.
- Q Robert Crudupp? A Yes sir.
- Q Did you have any children by him? A Yes sir.
- Q What is the name of the oldest one? A Rebecca Patterson.
- Q She is an applicant to this Commission for identification as a Mississippi Choctaw? A Yes sir, Louisa was the next one, the mother of the two-----

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- Q Is Louisa Petree living? A No sir.
Q What is the next child's name? A Robert---R. I. Crudup.
Q Is he an applicant to this Commission for identification as a Mississippi Choctaw? A Not now, he has got his proof.
Q What do you mean by that? A Well, he went through the case; he got his citizenship.
Q How did he get his citizenship? A I can't tell you; through the court I guess. He got his---I don't know what you call it. I know he went before the Dawes Commission at Durant and they put him on the list or something, I don't know what.

Robert I. Crudup and his children were admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory, August 25, 1897, in citizenship case No. 105, on appeal from the decision of the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress of June 10, 1896.

- Q R. I. Crudup is a full brother of----? A Of Rebecca Patterson
Q Rebecca Patterson and Louisa Petree? A Yes sir.
Q And Nellie Davis? A And Thomas Crudup.
Q And Thomas Crudup? A Yes sir.
Q Was Robert Crudup, your second husband, a white man? A Yes sir.
Q R. I. Crudup, your third child by your second husband, Robert Crudup, who was admitted to citizenship by a judgment of the United States Court in Indian Territory, derived all the right that he has as a Choctaw Indian through you as his mother?
A Yes sir.
Q Now what is your next child's name? A Nellie Davis.
Q She's living, is she? A Yes sir.
Q She is an applicant before this Commission? A Yes sir.
Q For identification as a Mississippi Choctaw? A Yes sir.
Q What is the next child's name? A Thomas Crudup.
Q He is an applicant before this Commission? A Yes sir.
Q Are those all the children you had by your second husband?
A Yes sir.
Q What is your next child's name? A Celia Patterson.
Q Is she married? A Yes sir.
Q What is her name now? A Celia Nix.
Q What is her father's name? A James.
Q James what? Give us full names please? A James Patterson; he didn't have but one name.
Q What is the next child's name? A Fred Patterson.
Q Did you ever have any other children? A No sir.
Q You had no children by your last husband, B. W. White,?
A No sir.
Q You say that you are the oldest living child of Thomas Barron?
A Yes sir.
Q What is the next child? A Next one is Travis Barron my brother which is dead; he has two daughters.
Q What are their names? A Dessie Taylor and Della Spencer.
Q What is your next brother or sister's name? A Ronchali Barron.
Q He is the principal applicant in this suit? A Yes sir.
Q Is he married? A Yes sir.
Q What is your next brother or sister's name? A Josephene Litteral.

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- Q She's your sister? A Yes sir.
Q Is she living? A No sir.
Q What is your next brother or sister's name? A Ellen Courtney.
Q Is that Mary Ellen Courtney? A Yes sir.
Q She's married and had a number of children? A Yes sir.
Q What is your next brother or sister's name? A Well, one named Lyeurgus, but he is like my son---he has got his papers.
Q What is the next one's name? A Lyeurgus Barron.
Q Is he an applicant for identification before this Commission?
A No sir, he is like my son--

Lyeurgus Barron was admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory at South McAlester, I. T., August 25, 1897, in the case of R. L. Crudup et al. vs Choctaw Nation, citizenship No. 105.

- Q What is your next brother or sister's name? A Serena Reed;
I didn't tell you these first they're older than Curg; but then Lyeurgus----there is Serena and two others.
Q Serena Reed is the next one? A Yes sir.
Q Is she an applicant for identification as a Mississippi Choctaw?
A No sir.

Serena Reed and her children were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory at South McAlester, I. T., August 25, 1897, in the case of R. L. Crudup et al. vs Choctaw Nation, citizenship No. 105.

- Q What is your next brother or sister's name? A Viola Sharp.
Q Is she an applicant for identification as a Mississippi Choctaw before this Commission? A No sir.
Q Has she ever been enrolled as a citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes? A Yes sir.
Q How did she become a citizen? A I wouldn't say if she was enrolled; she had her name put down.

Viola Sharp and her children were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory at South McAlester, I. T., August 25, 1897, in the case of R. L. Crudup et al. vs Choctaw Nation, citizenship No. 105.

- Q What is your next brother or sister's name? A Lucretia Porter.
Q Is she an applicant for identification as a Mississippi Choctaw?
A. No sir.

Lucretia Porter and her children were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, I. T., August 25, 1897, in the case of R. L. Crudup et al. vs Choctaw Nation, citizenship No. 105.

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- Q What is your next brother or sister's name? A I think that's enough; that's all that I think of.
- Q Was your father, Thomas Barron, married more than once?
- A Yes sir, married twice.
- Q Were both of his wives white women? A Just one was; my mother had Indian blood in her; but the last one I don't know anything about that.
- Q The Serena Reed and her children, Viola Sharp and her children, and Lucretia Porter and her children who were admitted to citizenship by the United States Court in the Indian Territory, were what relation to you? A Half sisters, and Lyourgus is a half brother.
- Q Had the same father? A Yes sir.
- Q Robert L. Crudup and his children who were admitted to citizenship in the Choctaw Nation were what relation to you? A He's my son; his children is my grandchildren.
- Q Robert L. Crudup is your son and the children your grandchildren? A Yes sir.
- Q Now did you or the other interested persons in this application for identification as Mississippi Choctaws, ever file with the Commission to the Five Civilized Tribes in 1896, an application for citizenship in the Choctaw Nation? A I think my son did.

By Chester Howe:

I think perhaps that question is too broad; she could tell what she did, but not as to the others. I do not want to enter an objection, but merely a suggestion.

By the Commission:

- Q When was the first time you ever made application to this Commission for rights to citizenship in the Choctaw Nation?
- A Well, I couldn't tell you to-day; been about five or six years ago; I couldn't tell you the exact date.
- Q Where did you make your first application? A At Naccona.
- Q You were a resident of Texas at that time? A Yes sir.

By Chester Howe:

- Q Do you know, grandma, what was done with your first application?
- A I think I have it at home; I wouldn't be sure that I have it; but think I have.
- Q Do you know whether or not that was dismissed because you were a resident of Texas? A Yes that's so; I had forgot that.
- Q And this subsequent application filed? A Yes sir.
- Q After you moved to the Indian Territory? A Yes sir.
- Q Grandma, how long before you were born had your father gone to the place of your birth in Washington county? A I couldn't tell you, I couldn't tell you; I could tell you if I had the births of the family; I could tell you which ones was born in Texas and which ones wasn't.
- Q Those not born in Texas, where were they born? A In Arkansas; either in Arkansas or the Nation, I couldn't tell you; but I know they was born in Texas at-----
- Q Born north of the Red River? A Yes sir.

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- Q And you don't know where your father was located prior to that time? A No sir.
- Q You cant tell how long he had been in that place before you were born? A No sir.
- Q Your first recollection of course is when you were a little girl, about how old? A First thing---I cant recollect that--- I think the first thing was running away from the Mexicans in Texas in 1836. Of course I wasn't but four years old then. I thought I could recollect-----but my first recollection---- I suppose I was eight years old.
- Q And you cant tell whereabouts from the Red River your father came from when he went down there? A No sir, I know he was amongst the Indians.
- Q What I wanted to get is the family tradition if you have it; something about your mother, or the fact that you had heard her talk about it? A Yes sir. There was always one certain Choctaw Indian that stayed around us, always until I was grown and married, and he came to see us after I was married.
- Q Do you remember his name? A Choctaw Tom, and his wife's name was Sallie. We called him Choctaw Tom; he always lived around about us and if there was any danger of any other Indians coming and making an attack on us, Tom was the first one to let us know.
- Q You said your daughter Elizabeth Higgins is dead. Where was she when she died? A At Durant.
- Q In the Choctaw Nation? A Yes sir.
- Q Did you have a brother Thomas Barron? A Yes sir, Thomas J. Barron, he has a daughter here, Eliza Taylor, an applicant in this case.
- Q What are the names of those children? A Of whose children?
- Q Mrs. Taylor's? A Well I couldn't tell you all their names I don't believe. Mrs. Taylor's children you say? One named John, and William and Ollie and one named Thomas.
- Q Are they applicants before the Commission? A Yes sir.
- Q Did Eliza Taylor have a son named Cornelius? A No sir, that's her husband's name-----Oh yes, he was her oldest son; he got killed.

By the Commission:

- Q When did he die? A Christmas day.
- Q What year? A Last year.

Witness excused.

Ronchali Barron, Mozella J. StCyr, Eliza A. Taylor, John H. Taylor, Maryann O. Smith, Thomas B. Crudup, Almada White, Rebecca T. Patterson, Celia Nix, Robert H. Patterson, Nellie Davis, Fred M. Patterson, Charlie E. Cunningham, Almada O. Tyler and Thomas L. Cunningham, applicants for identification in this cause, at the rehearing held at Atoka, Indian Territory, on Wednesday, November 6, 1901, were in person present and offered themselves for cross-examination by the Choctaw Nation. No appearance being made by the Choctaw

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Nation. The applicants here present are dark complected, but have the general characteristics and features of white persons. None of them are able to speak the Choctaw language.

The attorney for the applicants here moves for permission to file with the record in this case, a photograph of as large a group of these applicants as can be taken at this time at this place, and asks permission to file the same as of this date and time as soon as it can be secured from the only photographer now at Atoka.

Permission is granted for the introduction of the photograph above named.

There is filed herewith a photograph (marked Exhibit "A") of Almeda White, one of the applicants in this case. Also photograph (marked Exhibit "B") of Nellie Davis, T. R. Crudup, Celia Nix, Ronchali C. Barron, Mary A.O. Smith, Rebecca Patterson, Almeda White, and Elizabeth Taylor, members of the Barron family and applicants in this case.

The attorney for the applicants further offers, as soon as rules and regulations are promulgated for the taking of depositions by the Honorable Commission, to comply with said rules in supplying depositions in lieu of affidavits upon requests made for the same, and with this offer rests.

Albert G. McMillan, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized he reported all the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20th day of November, 1901.

W. C. McMillan

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ranchili D. Barron for identification of himself and two minor children as Mississippi Choctaws.

The applicant, Ranchili D. Barron, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in behalf of his own claim for identification as a Mississippi Choctaw and a claim that he makes for his two minor children as Mississippi Choctaws.

It appears from the evidence that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill) and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

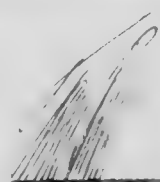
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"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void. "

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Ranchili D. Barron, on his own behalf and on behalf of his two minor children, Hamlet and Mary A. Ranchili, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory, September 24, 1900.

C.v.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ronchali C. Barron, et al., for identification as Mississippi Choctaws, consolidating the applications of:

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Cornelius B. Taylor,	M.C.R.	46
John H. Tayler, et al.,	M.C.R.	47
Mary Ann O. Smith	M.C.R.	48
Thomas B. Crudup, et al.,	M.C.R.	51
Almedia White, et al.,	M.C.R.	52
Rebecca T. Patterson, et al.,	M.C.R.	53
Celia Nix, et al.,	M.C.R.	54
Robert Henry Patterson, et al.	M.C.R.	57
Nellie Davis, et al.,	M.C.R.	58
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Ellie Nealey, et al.,	M.C.R.	368
William C. Cunningham,	M.C.R.	370
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Mozella Petree, et al.,	M.C.R.	1360
Millie A. Malone, et al.,	M.C.R.	1361
Mary E. Courtney, et al.,	M.C.R.	5220

-----D E C I S I O N -----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Ronchali C. Barron for himself and his two minor children, Hamlet and Mary A. Barron; by Mozella J. St Cyr for herself and her

six minor children, Alva W., Ben C., Mada B., Mozella P., Charles C., and Ed B. St Cyr; by Eliza A. Taylor for herself and her two minor children, William D., and Thomas Jefferson Taylor; by Cornelius B. Taylor for himself; by John H. Taylor for himself and minor child Everett Taylor; by Mary Ann O. Smith for herself; by Thomas B. Crudup for himself and his six minor children, Mona M., Roy, Robert, Joseph, Rowena and Harry J. Crudup; by Almedia White for herself and her two minor grand-children, Alice and Ollie Petree; by Rebecca T. Patterson for herself and her five minor children, Eddie Monon, George O., Hilliard H., Clarence C. and Howard T. Patterson; by Gelia Nix for herself and her four minor children, Charles Hatcher, Verna, Clayton and Corone Nix; by Robert H. Patterson for himself and his two minor children, Robert Othello and Ira H. Petterson; by Nellie Davis for herself and her seven minor children, Stella M., Robert S., Myrtle, Elan A., Mary L., Ruby P., and Fred L. Davis; by Fred M. Patterson for himself and his minor child Almeda Patterson; by Dessie Taylor for herself and her three minor children, Georgia L., Lillian and Albert D. Taylor; by Anna Patterson for herself and her four minor children, James E. Thomas L., Willie W. and Fannie S. Patterson; by Della J. Spencer for herself and her minor child, Herbert Spencer; by Charlie E. Cunningham for himself; by Ellie Neeley for herself and her minor child, Floyd Thomas Neeley; by William C. Cunningham for himself; by Almeda O. Tyler for herself and her two minor children, Raymond E. and Vernon L. Tyler; by Thomas L. Cunningham for himself and his three minor children, Irvin J., Otto C., and Mona B. Cunningham; by Joseph L. Litteral for his eight minor children, Claudie, Carrie, Ron, Katie, Hallie, Thedford, May and Ben Litteral; by Mozella Petree for herself and her two minor children, Ed B. Petree and

Joseph L. Cotner; by Millie A. Malone for herself and her minor child, Roy B. Malone; by Mary N. Courtney for herself and her two minor children, Byron C. and Emma M. Courtney; and that applications were made for identification as intermarried Mississippi Choctaws by Eliza A. Taylor for her husband Cornelius Taylor and by John H. Taylor for his wife Dora Taylor, under the following provision of the act of Congress, approved June 26, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants, of being married to descendants, of one Thomas H. Barron, who is alleged to have been a three quarters blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321.)

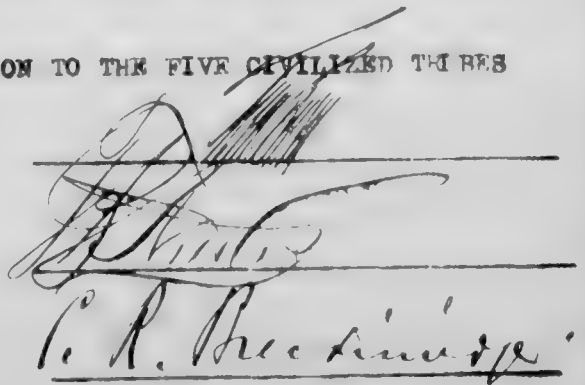
It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Thomas H. Barron or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842(5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva M. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed B. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Williard H. Patterson, Clarence C. Patterson ; Roward T. Patterson , Celia Nix, Charles Watcher Nix, Verna Nix, Clayton Nix, Corene Wix , Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Densie Taylor, Georgia L. Taylor,

Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



C. R. Beckwith

Muskogee, Indian Territory

COMMISSIONERS

Department of the Interior
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Ronchali C.
Barron et al., for identification as Mississippi
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Mary Ann C. Smith,	M.C.R.	48
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Almedia White, et al.,	M.C.R.	52
Rebecca T. Patterson et al.,	M.C.R.	53
Celia Nix, et al.	M.C.R.	54
Robert Henry Patterson	M.C.R.	57
Nellie Davis, et al.,	M.C.R.	58
Fred W. Patterson, et al.,	M.C.R.	89
Dessie Taylor, et al.,	M.C.R.	262
Anna Patterson, et al.,	M.C.R.	263
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Charlie E. Cunningham	M.C.R.	367
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Mary E. Courtney, et al.,	M.C.R.	5220

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Mozella Petree
her children
and
grand-children.

(Millie A. Malone
(and her child
(Roy B. Malone
)
(Joseph L. Cotner
)
(Ed B. Petree.

- DEPARTMENT OF THE INTERIOR -
-Commission to the Five Civilized Tribes.-

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In the matter of the application of Maryann O. Smith, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 14, 1900, Mississippi Choctaw Card, Field Number R-48.

In the matter of the application of Thomas B. Crudup et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 14, 1900, Mississippi Choctaw Card, Field Number R-51.

In the matter of the application of Almedia White et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 14, 1900, Mississippi Choctaw Card, Field Number R-52.

In the matter of the application of Rebecca Patterson et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 14, 1900, Mississippi Choctaw Card, Field Number R-53.

In the matter of the application of Celia Nix et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 14, 1900, Mississippi Choctaw Card, Field Number R-54.

In the matter of the application of Robert H. Patterson, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 18, 1900, Mississippi Choctaw Card, Field Number R-57.

In the matter of the application of Nellie Davis et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900, Mississippi Choctaw Card, Field Number R-58.

In the matter of the application of Fred M. Patterson et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 15, 1900, Mississippi Choctaw Card, Field Number R-89.

In the matter of the application of Dessie Taylor et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900, Mississippi Choctaw Card, Field Number R-262.

In the matter of the application of Anna Patterson et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900, Mississippi Choctaw Card, Field Number R-263.

In the matter of the application of Della J. Spencer, et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 18, 1900, Mississippi Choctaw Card, Field Number R-264.

In the matter of the application of Charlie E. Cunningham for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 20, 1900, Mississippi Choctaw Card, Field Number R-367.

In the matter of the application of Ella Neely et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 20, 1900, Mississippi Choctaw Card, Field Number R-368.

In the matter of the application of William C. Cunningham, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 20, 1900, Mississippi Choctaw Card, Field Number R-370.

In the matter of the application of Almeda Tyler et al., for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 20, 1900, Mississippi Choctaw Card, Field Number R-371.

In the matter of the application of Thomas L. Cunningham, for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 20, 1900, Mississippi Choctaw Card, Field Number R-372.

In the matter of the application of Claudie Litteral et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, February 7, 1901, Mississippi Choctaw Card, Field Number R-1366.

In the matter of the application of Mozella Petree for identification as Mississippi Choctaws of herself and minor children, heard at Atoka, Indian Territory, February 5, 1901, Mississippi Choctaw Card, Field Number R-1362.

In the matter of the application for identification as Mississippi Choctaws of Millie A. Malone and her minor child, heard at Atoka, Indian Territory, February 5, 1901, Mississippi Choctaw Card, Field Number R-1361.

Ronchali C. Barron, the principal applicant, and the other applicants, except applications for identification as Mississippi Choctaws by intermarriage, and herein specifically named, apply for identification as Mississippi Choctaws by blood, claiming descent from Thomas Barron, who was the grand son of Christer Perriman and his wife, both deceased, full blood Mississippi Choctaws, and the son of their daughter Martha Barron (nee Perriman.), who married John Barron, who was possessed of one-quarter to one-half Mississippi Choctaw blood.

The following named descendants of Thomas Barron deceased, appear of record as applicants for identification as Mississippi Choctaws by blood.

Children and grand-children
of
Thomas Jefferson Barron, deceased.

(
(Eliza A. Taylor
(and her children.
(Cornelius B. Taylor
(John H. Taylor
(Maryann O. Smith
(William D. Taylor
(Thomas J. Taylor
(

(Children and grand-children of
(Joseph L. Cunningham
(
(William C. Cunningham
(
(Thomas L. Cunningham
(and his children.
(Irvin J. Cunningham
(Otto C. Cunningham
(Mona B. Cunningham
(

(Charles E. Cunningham
(
(Almeda O. Tyler
(and her children.
(Raymond O. Tyler
(Vernon L. Tyler
(

Almedia White
her children, grand-children
and great grand-children.

(
(Ellie Neeley
(
(Mozella J. St Cyr
(and her children.
(Albert N. St Cyr
(Ben C. St Cyr
(Meda B. St Cyr
(Mozella F. St Cyr
(Charles C. St Cyr
(Ed S. St Cyr
(
(Rebecca T. Patterson
(and her children.
(Robert H. Patterson
(Eddie M. Patterson
(George O. Patterson
(Hilliard H. Patterson
(Clarence C. Patterson
(Howard Patterson
(Children of
(Louisa Petree (deceased.)
(Alice Petree
(Ollie Petree
(
(Nellie O. Davis
(and her children.
(Stella M. Davis
(Robert S. Davis
(Myrtle Davis
(Elam A. Davis
(Mary L. Davis
(Ruble P. Davis
(Fred L. Davis
(
(Thomas B. Crudup
(and his children.
(Mona M. Crudup

Almedia White, her children
grand-children and great
grand-children (continued.)

(Thomas B. Crudup
(and his children (continued)
(Roy Crudup
(Robert Crudup
(Joseph Crudup
(Rowena Crudup
)
(Celia Nix
(and her children.
(Charles H. Nix
(Verna Nix
(Clayton Nix
(Corene Nix
)
(Frederick M. Patterson
(and his child.
(Almeda Patterson

Children and grand-children
of
Travis Barron (deceased.)

(Dessie Taylor
(and her children.
(Georgia L. Taylor
(Lillian N. Taylor
(Albert D. Taylor
)
(Della J. Spencer
(and her child.
(Herbert Spencer

Children and grand-children of
Mary E. Courtney.

(Mary D. Patterson
(and her children.
(James E. Patterson
(Thomas L. Patterson
(Willie A. Patterson
(Fannie S. Patterson

Ronchali C. Barron and
his children.

(Hamlet Barron
(Mary Almeda Barron

Children of Josie Litteral,
(deceased.)

(Claudie Litteral
(Carrie Litteral
(Ron Litteral
(Katie Litteral
(Hallie Litteral
(Thedford Litteral
(May Litteral
(Ben Litteral
(Alfred H. Litteral

The following named persons appear of record as applicants
for identification as Mississippi Choctaws by intermarriage:

Case Number M. C. R. 45.

Cornelius Taylor, husband of Eliza A. Taylor.
M. C. R. 54, Daniel Nix, husband of Celia Nix.

The following named persons who appear of record as descendants
of the said Thomas Barron (deceased.) have failed to enter appear-
ance or in any manner prosecute before this commission, any rights
which they may have as Mississippi Choctaws.

Children of Thomas Barron (deceased) (John M. Barron
(Eliza Ann Barron
(Nancy C. Barron
(Joseph I. Barron
(Colbert B. Barron

Children of
Thomas Barron, (deceased.)
(continued.)

(~~Elizabeth Barron~~)
(Elizabeth Barron
(David H. Barron
(Dink Barron
(Mozelak Barron
(Robert Barron

Joseph L. Cunningham and his
children.

(James L. Cunningham
)
(Florence Cunningham

Elizabeth Higgins and her children.

(Ollie O. Phelps
(Jane Phelps
(Clara Phelps
(Nellie Phelps
(Elmer Phelps
(Lola Phelps
(Johnnie Higgins
(Virgil Higgins

Child of Rebecca T. Patterson
applicant.

(Willis Patterson

Milan or Millie Mixon and
her children.

(Mary O. Albright
(Loutie Flowers
(Josephine Farris
(Cora Miles

Mary E. Courtney, her
children and grand-children.

(Louisa E. Busby
(and her children.
(Albert Y. Busby
(Noah E. Busby
)
(Lettie J. Yarborough
(Ida F. Dorsitt
(James W. Courtney
(Byron C. Courtney
(Nettie A. Courtney
(Emma M. Courtney

Child of Josie Litteral (deceased.) (Mary E. Litteral

The record shows the following named persons descendants of the said Thomas Barron, are enrolled as citizens by blood of the Choctaw Nation by virtue of a judgement rendered by the United States court, Central District, Indian Territory at South McAllester, August 25, 1897 in the case of R. L. Crudup et al., vs. Choctaw Nation., such judgement being Number 105 and obtained upon appeal from decision of the Commission to the Five Civilized Tribes.

R.L.Crudup and his children.

(Herbert Crudup
(Edna Crudup
(Dora Crudup
(Ernest Crudup
(Clarence Crudup

Serena Reed and her children:

(Thomas Reed
(Lela Reed
(Eva Reed
(Olive Reed
(Carroll Reed
(Rutha Reed
(Mable Reed
(Jesse Reed
(Josie Reed

Viola Sharp and her children.

(Robert E. Sharp
(Martin L. Sharp
(John Travis Sharp
(J. B. Sharp
(Willie B. Sharp
(Josephine Sharp

Lucretia Porter and her children.

(Archibald W. Porter
(Due Porter
(Lycurgas Porter
(Thomas Hudson Porter
(Hugh Porter
(Viola Porter
(Henry Wood Porter

Lycurgas Barron.

The judgement above cited also orders the enrollment as citizens by intermarriage of the Choctaw Nation of the following persons: Ellen Crudup, wife of R. L. Crudup, Mattie Barron, wife of Lycurgas Barron.

The record shpws that parties plaintiffs in the above case of R. L. Crudup et al., vs. Choctaw Nation, appeared before the Commission on September 8, 1896 and applied for enrollment as citizens by blood of the Choctaw Nation; judgement rendered by the Commission December 8, 1896, denying said application. Appeal taken and judgement as aforesaid.

The record further shows that the following named persons, who are now applicants for identification as Mississippi Choctaws appeared before this Commission at Atoka, Durant, South McAllester and Caddo, Indian Territory during the year 1899 and made application for enrollment as citizens by blood of the Choctaw Nation. Said applications being denied under the law of June 10, 1896.

M. C. R. 45 Eliza A. Taylor et al.,
M. C. R. 262 Dessie Taylor et al.,
M. C. R. 52 Almedia White
M. C. R. 47 John H. Taylor
M. C. R. 46 Cornelius B. Taylor
M. C. R. 51 Thomas B. Crudup et al.,
M. C. R. 89 Fred M. Patterson
M. C. R. 1366 Josie Litteral (now deceased) and
minor child.
M. C. R. 263 Anna Patterson
M. C. R. 54 Celia Nix et al.,
M. C. R. 58 Nellie Davis et al.,
M. C. R. 44 Mozella J. St Cyr
M. C. R. 288 Ronchali C. Barron et al.,

- PROOF.-

Applicants base their right to identification as Mississippi Choctaws by blood on the judgement in the case of R. L. Crudup vs. Choctaw Nation herein referred to, and support this contention by their oral testimony and affidavits showing blood relationship existing between them as descendants of Thomas Barron, and the plaintiffs in the said judgement.

Applicants upon oral examination have failed to show that they or any of their ancestors have ever complied with any of the requirements of the Treaty of 1830 and supplement thereto; now have they filed with this Commission any documentary evidence tending to show compliance upon the part of their ancestors with any of the terms of said Treaty.

Atoka, Indian Territory, September 5, 1901.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There are enclosed you herewith letters prepared at this office to applicants in the following Mississippi Choctaw cases:

Ronchali C. Barron et al.,	Della J. Spencer et al.,
Mozella J. St. Cyr et al.,	Celia Nix et al.,
Nellie Davis et al.,	Anna Patterson et al.,
Bessie Taylor et al.,	Eliza A. Taylor et al.,
John H. Taylor et al.,	Cornelius B. Taylor et al.,
Thomas B. Crudup et al.,	Maryann O. Smith
Rebecca T. Patterson et al.,	Almedia White et al.,
Fred M. Patterson et al.,	Robert H. Patterson
Ella Neeley et al.,	Charlie E. Cunningham
Almeda Tyler et al.,	William C. Cunningham
Claudie Litteral	Thomas L. Cunningham et al.

The records in these cases were returned with letter of the office of the Commissioner of Indian Affairs, dated August 2, 1901, for further hearing in accordance with instructions contained in Departmental letter of July 25, 1901. These cases have been prepared in accordance with such instructions, and rehearing set for Wednesday, November 6th, 1901, at 9:00 o'clock A.M. at this office

There is also enclosed herewith letter to the Commissioner

of Indian Affairs, informing him of the proceedings with reference to these cases. Also letters to Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw Nation and Messrs. Johnson & Horton, attorgeys for the applicants, informing them of the date and place for the rehearing.

Yours truly,

Muskogee, Indian Territory, September 5, 1901.

The Commissioner

Of Indian Affairs,

Washington, D. C.

Sir:

In accordance with instructions contained in Departmental letter of July 25, 1901, the following Mississippi Choctaw cases:

Renchali C. Barron et al.,
Della J. Spencer, et al.,
Mozella J. St. Cyr, et al.,
Celia Nix et al.,
Nellie Davis, et al.,
Anna Patterson, et al.,
Dessie Taylor, et al.

records of which were returned with letter of your office dated August 2, 1901, for further hearing, will be considered together with the cases of

Eliza A. Taylor et al.,	Cornelius B. Taylor et al.,
John H. Taylor, et al.,	Maryann O. Smith
Thomas B. Crudup, et al.,	Almedia White, et al.,
Rebecca T. Patterson, et al.,	Robert H. Patterson
Fred M. Patterson et al.,	Charlie B. Cunningham
Ella Neeley, et al.,	William C. Cunningham
Almeda Tyler, et al.,	Thomas L. Cunningham et al.,
Claudia Litteral	

claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, and also the

attorneys for the Choctaw Nation that additional evidence of witnesses in person would be heard at the office of the Commission at Atoka, Choctaw Nation, Indian Territory, at 9:00 o'clock A.M., on Wednesday, November 6th, 1901.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, September 5, 1901.

Mr. Ronchali C. Barron,

Durant, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippian Choctaws of yourself and two minor children, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, November 14, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

H. V. BAC

Commissioner in Charge.

Atoka, Indian Territory, October 4, 1901.

The Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

There are enclosed you herewith letters prepared at this
Office to applicants in the following Mississippi Choctaw cases:

M.C.R.1360, Mozella Petree et Al.,
M.C.R.1361, Millie A. Malone et Al.

These cases have been prepared under instructions contained in departmental letter of July 25, 1901, and re-hearing set for Wednesday, November 6, 1901, at nine o'clock A. M., at this Office, in connection with the Mississippi Choctaw cases of

M.C.R. 44, Mozella J. St. Cyr,
M.C.R. 54, Celia Hix et Al.,
M.C.R. 58, Nellie Davis et Al.,
M.C.R.262, Dessie Taylor et Al.,
M.C.R.263, Anna Patterson et Al.,
M.C.R.264, Della J. Spencer et Al.,
M.C.R.288, Ronchali C. Barron,

set for re-hearing same date and place.

There is also enclosed letter to Messrs. Mansfield
McMurray & Cornish, Attorneys for the Choctaw Nation, advising them
of the date and place set for the re-hearing.

Yours truly,

Muskogee, Indian Territory, December 30, 1901.

Chester Howe,

#633 F Street, N. W.

Washington, D. C.

Dear Sir:

In the matter of the consolidated Mississippi Choctaw cases of Ronchali C. Barron et al., reheard at Atoka, Choctaw Nation, Indian Territory, November 6, 1901, at which time a motion was made by you as attorney for applicants, to supply, in lieu of affidavits, the depositions of the several affiants whose affidavits are filed in these cases; you are hereby notified that on or before January 31, 1902, depositions taken under said motion and in conformity with the rules and regulations of the Commission promulgated November 4, 1901, may be offered for filing in support of the applications of the several interested parties in said consolidated cases.

You are further notified that after the aforesaid date, January 31, 1902, this case will be finally closed, and thereafter no further testimony, depositions or other proceedings by the parties thereto will be considered by this Commission.

A copy of the rules and regulations of November 4, 1901,

C. H.--2.

is enclosed you herewith.

Yours truly,

Commissioner in Charge.

M.C. 268

Enclosure.

Muskogee, Indian Territory, December 30, 1901.

Chester Howe,

#633 F Street, N. W.

Washington, D. C.

Dear Sir:

In the matter of the consolidated Mississippi Choctaw cases of Renchali C. Barron et al., reheard at Atoka, Choctaw Nation, Indian Territory, November 6, 1901, at which time a motion was made by you as attorney for applicants, to supply, in lieu of affidavits, the depositions of the several affiants whose affidavits are filed in these cases; you are hereby notified that on or before January 31, 1902, depositions taken under said motion and in conformity with the rules and regulations of the Commission promulgated November 4, 1901, may be offered for filing in support of the applications of the several interested parties in said consolidated cases.

You are further notified that after the aforesaid date, January 31, 1902, this case will be finally closed, and thereafter no further testimony, depositions or other proceedings by the parties thereto will be considered by this Commission.

A copy of the rules and regulations of November 4, 1901,

C. H.--2.

is enclosed you herewith.

Yours truly,

Commissioner in Charge.

M.C. 288

Enclosure.

COPY.

MCR 288

Muskogee, Indian Territory, June 14, 1902.

Renchali C. Barron,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Renchali C. Barron, et al. embracing the following applications for identification as Mississippi

Choctaws:

Renchali C. Barron, et al.,	MCR 288
Mosella J. St Cyr, et al.,	MCR 44
Eliza A. Taylor, et al.,	MCR 45
Cornelius B. Taylor,	MCR 46
John H. Taylor, et al.,	MCR 47
Mary Ann O. Smith,	MCR 48
Thomas B. Crudup, et al.,	MCR 51
Almedia White, et al.,	MCR 52
Rebecca T. Patterson, et al.,	MCR 53
Celia Nix, et al.,	MCR 54
Robert Henry Patterson, et al.,	MCR 57
Nellie Davis, et al.,	MCR 58
Fred M. Patterson, et al.,	MCR 89
Dessie Taylor, et al.,	MCR 262
Anna Paterson, et al.,	MCR 263
Della J. Spencer, et al.,	MCR 264
Charlie E. Cunningham,	MCR 367
Ellie Nealey, et al.,	MCR 368
William C. Cunningham,	MCR 370
Almeda O. Tyler, et al.,	MCR 371
Thomas L. Cunningham, et al.,	MCR 372
Claudia Litteral, et al.,	MCR 1366
Mosella Petree, et al.,	MCR 1360
Millie A. Malone, et al.,	MCR 1361
Mary E. Courtney, et al.,	MCR 3220

These applications were made under the provision of the act of Congress of June 26, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Renchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva M. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Menon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

R.C.B.-----3.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. J. Odell.

Registered.

Commissioner in Charge.

RECEIVED
JUN 14 1902
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

MCR 288

Muskogee, Indian Territory, June 14, 1902.

Renchali C. Barron,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Renchali C. Barron, et al. embracing the following applications for identification as Mississippi Choctaws:

Renchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.,	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	89
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie E. Cunningham,	MCR	267
Ellie Keeley, et al.,	MCR	268
William C. Cunningham,	MCR	270
Almeda O. Tyler, et al.,	MCR	271
Thomas L. Cunningham, et al.,	MCR	272
Claudia Litteral, et al.,	MCR	1364
Mozella Petree, et al.,	MCR	1360
Millie A. Malone, et al.,	MCR	1361
Mary E. Courtney, et al.,	MCR	5280

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

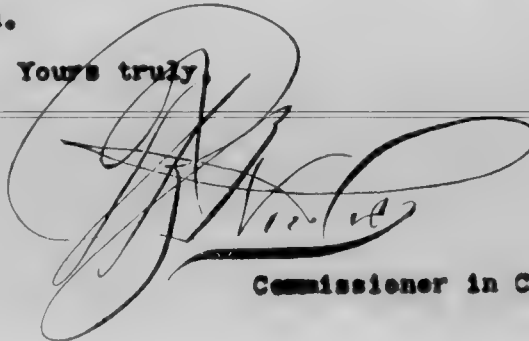
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Renchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva H. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella P. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Menon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Nealey, Floyd Thomas Nealey, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Mona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Nellie Litteral, Theodora Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

R.C.B.-----S.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Tayler for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

A large, stylized handwritten signature in dark ink, featuring a prominent loop and a long horizontal stroke extending to the right.

Registered.

Commissioner in Charge.

COPY.

MCR 288

Muskogee, Indian Territory, June 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ronchali C. Barron, et al. applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 4th, 1902.

The above consolidated case embraces the following original applicants for identification as Mississippi Choctaws heard by the Commission:

Ronchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Grudun, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.,	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	59
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie E. Cunningham,	MCR	367
Ellie Hecley, et al.,	MCR	368
William C. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas E. Cunningham, et al.,	MCR	372
Claudia Litteral, et al.,	MCR	1366

-----2.

Mozella Petree, et al.,	MCR 1360
Millie A. Malone, et al.,	MCR 1361
Mary E. Courtney, et al.,	MCR 5220

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED

T. B. Needles.

Commissioner in charge.

Through the Commissioner of
Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, June 14, 1902.

Chester Howe,

Atty at Law, #623 "F" St., N. W.,

Washington, D. C.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Renchali C. Barron, et al. embracing the following applications for identification as Mississippi Choctaws:

Renchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.,	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	89
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie E. Cunningham,	MCR	367
Ellie Nealey, et al.,	MCR	368
William G. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudia Litteral, et al.,	MCR	1366
Mozella Petree, et al.,	MCR	1360
Millie A. Malone, et al.,	MCR	1361
Mary E. Courtney, et al.,	MCR	1320

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva E. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella E. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Ray B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

C.H.-----3.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

MCR 286

Muskogee, Indian Territory, June 14, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Chickasaw and Choctaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Renchali C. Barron, et al. embracing the following applications for identification as Mississippi Choctaws:

Renchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Rio, et al.,	MCR	54
Robert Henry Patterson, et al.,	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	89
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie E. Cunningham,	MCR	357
Ellie Wesley, et al.,	MCR	366
William C. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudia Litteral, et al.,	MCR	1366
Marcella Petree, et al.,	MCR	1360
Willie A. Malone, et al.,	MCR	1361
Mary E. Courtney, et al.,	MCR	2220

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Williard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Collie Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby B. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Allie Healey, Floyd Thomas Healey, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Mona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Nellie Litteral, Thadford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

M.M.A.C.-----3.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Tayler for her husband Cornelius Tayler, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. E. Woodlee.

Commissioner in Charge.

COPY.

MCR 288

Muskogee, Indian Territory, June 14, 1902.

J. O. Pool,

Atty at Law, Nacona, Texas.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ronchali C. Barron, et al. embracing the following applications for identification as Mississippi Choctaws:

Ronchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Eix, et al.,	MCR	54
Robert Henry Patterson, et al	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	89
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie E. Cunningham,	MCR	367
Ellie Nealey, et al.,	MCR	368
William C. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Olandie Litteral, et al.,	MCR	1366
Mozella Petree, et al.,	MCR	1360
Millie A. Malone, et al.,	MCR	1360
Mary E. Courtney, et al.,	MCR	13

These applications were made under the provision of the act of Congress of June 28, 1896, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva M. St Cyr, Ben C. St Cyr, Mada B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas . . Crudup, Mona M. Crudup, Robert Crudup, Roy Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon, Patterson, George O. Patterson, Williard M. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira M. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Wlam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James H. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Nealey, Floyd Thomas Nealey, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Mona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Theford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary M. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

J.O.P.-----3.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Registered.

Commissioner in Charge.

-:- COPY -:-

Land
35558-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, July 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Ronchali C. Barron, et al.

The number of cases consolidated herein is large and made up as follows:-

Ronchali C. Barron, et al.

Mozella J. St. Cyr, et al.

Eliza A. Taylor, et al.

Cornelius B. Taylor

John H. Taylor, et al.

Mary Ann O. Smith.

Thomas B. Crudup, et al.

Almeda White, et al.

Rebecca J. Patterson, et al.

Celia Nix, et al.

Robert Henry Patterson, et al.

Nellie Davis, et al.

Fred M. Patterson, et al.

Dessie Taylor, et al.

Anna Patterson, et al.

Della J. Spencer, et al.

Charlie E. Cunningham

Ellie Neeley, et al.

William C. Cunningham

Almeda O. Tyler, et al.

Thomas L. Cunningham, et al.

Claudia Litteral, et al.

Millie A. Malone, et al.

Mary E. Courtney, et al.

It appears that of the above cases those of Ronchali C. Barron, et al., Mozella J. St. Cyr, et al., Nellie Davis, et al., Dessie Taylor, et al., Della J. Spencer, et al., Celia Nix, et al., and Anna Patterson, et al., were prior to the 2nd day of August, 1901, each heard separately by the Commission and the records therein, together with the decision of the Commission, transmitted

to the office; that on said 2nd day of August, 1901, these last mentioned cases were returned, with others, to the Commission for a re-hearing, and thereupon the Commission consolidated all the cases herein and on September 5, 1901, gave due notice to all of the principal applicants that the consolidated cases would be heard on Wednesday, November 6, 1901, at the office of the Commission at Atoka, Indian Territory.

Notice of said hearing was also given to the attorneys for the Choctaw and Chickasaw Nations.

On said 6th day of November, 1901, a large amount of additional evidence was submitted by the applicants in the form of testimony, photographs, depositions and affidavits, and additional evidence was also submitted as late as April 17, 1902.

Afterwards on the 4th day of June, 1902, the Commission rendered an opinion in said consolidated case and held that the evidence was insufficient to determine the identity of any of the applicants as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation.

A review of the record evidence shows that by a decree of the United States Court for the Central District of Indian Territory, held at South McAlester on August 25, 1897, a large number of claimants were admitted to citizenship in the Choctaw

Nation; that said claimants were the descendants of the Thomas Barron, who it is claimed is the ancestor of the applicants herein, and said applicants seem to be seeking the rights of citizenship and supporting their applications therefor, on the ground that said court has heretofore recognized the right of other members of their family, descended from the same common ancestor, to be adjudged citizens of said Nation.

A careful review of the voluminous evidence submitted in this case also shows that the applicants do not undertake to show that any of their ancestors ever complied with the 14th article of the treaty of September 27, 1830, nor that any of them ever went before the Commissions authorized by the acts of Congress of March 3, 1837 (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

On the other hand the evidence of the applicants is confined largely to proving that they are Choctaw Indians by blood which claim is of no benefit to them at this time.

The office records giving the names of those Choctaw Indians who asked to remain in Mississippi under the provisions of said article 14, together with the records of those who appeared before said Commission appointed under said acts of Congress, have been examined, and the name of Thomas Barron or Barren, is

not on any of said records. There is no one by the name of Barron or Warren designated on any of the office records as having ever remained in Mississippi and complied with the provisions of said article or said acts.

The office therefore considers that the said decision of the Commission to the Five Civilized Tribes refusing the identification of the applicants should be approved and confirmed and so recommends to the Department.

The applicants except to the decision of the Commission on the ground that at the re-hearing of the case consolidated herein, the attorneys for the Choctaw and Chickasaw Nations failed to appear, and the applicants were permitted to take judgment by default, but that afterwards said default judgment was set aside by the Commission on its own motion and the applications of the applicants rejected.

The office fails to see any error in this proceeding. It does not appear that the Commission ever issued any certificate of citizenship to any of the applicants under said default judgment or that any citizenship rights were obtained thereunder, and it is the duty of the Commission to set aside, modify or change its findings when the facts and circumstances warrant such

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change and in this case the office can not see wherein the evidence will support any other finding than that made by the Commission herein, and holds that the exception is not well taken.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W.C.B.

C

-:- COPY -:-

I.T.D. 4634-1902.

J.W.H.

File 896-1898.

FHT

DEPARTMENT OF THE INTERIOR.

L.R.S.

Washington, November 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

June 14, 1902, you transmitted the record in the consolidated case involving the application of Ronchali C. Barron for himself and his two minor children, Hamlet and Mary A. Barron; of Mozella J. St. Cyr, for herself and her six minor children, Alva N., Ben C., Moda B., Mozella F., Charles C. and Ed S. St. Cyr; of Eliza A. Taylor, for herself and her two minor children, William D. and Thomas Jefferson Taylor; of Cornelius B. Taylor for himself; of John H. Taylor for himself and minor child Everett Taylor; of Mary Ann O. Smith for herself; of Thomas B. Crudup for himself and his six minor children, Mona M., Roy, Robert, Joseph, Rowena and Harry J. Crudup; of Almedia White for herself and her two minor grand-children, Alice and Ollie Petree; of Rebecca T. Patterson for herself and her five minor children, Eddie Monon, George O., Hilliard H., Clarence C. and Howard T.

Patterson; of Celia Nix for herself and her four minor children Charles Hatcher, Verna, Clayton and Corene Nix; of Robert H. Patterson for himself and his two minor children, Robert Othello and Ira H. Patterson; of Nellie Davis for herself and her seven minor children, Stella M., Robert S., Myrtle, Elam A., Mary L., Ruby P. and Fred L. Davis; of Fred M. Patterson for himself and his minor child Almeda Patterson; of Dessie Taylor for her herself and her three minor children, Georgia L., Lillian and Albert D. Taylor; of Anna Patterson for herself and her four minor children, James E., Thomas L., Willie W. and Fannie S. Patterson; of Della J. Spencer for herself and her minor child, Herbert Spencer; of Charlie E. Cunningham for himself; of Ellie Neeley for herself and her minor child, Floyd Thomas Neeley; of William C. Cunningham for himself; of Almeda O. Tyler for herself and her two minor children, Raymond E. and Vernon L. Tyler; of Thomas L. Cunningham for himself and his three minor children, Irvin J., Otto C. and Nona B. Cunningham; of Joseph L. Litteral for his eight minor children, Claudie, Carrie, Ron, Katie, Hallie, Thedford, May and Ben Litteral; of Mozella Petree for herself and her two minor children, Ed B. Petree and Joseph L. Cotner; of Millie A. Malone for herself and her minor child, Roy B. Malone; of Mary E. Courtney

for herself and her two minor children, Byron C. and Emma M. Courtney; of Eliza A. Taylor for her husband Cornelius Taylor and of John H. Taylor for his wife Dora Taylor, for identification as Mississippi Choctaws, including your decision of June 4, 1902, refusing to enroll the applicants.

These applicants, except those who claim by intermarriage, attempt to trace their descent through certain ancestors named Barron, who apparently possessed Choctaw blood, and lived in Mississippi in 1830. It also appears that certain of these applicants trace their descent through one Thomas Jefferson Barron, son of Thomas Barron and grandson of John Barron.

The record contains no testimony whatever showing that any one of the alleged ancestors ever complied or attempted to comply, either in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or availed himself of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513.)

It also appears that the records in the possession of the Indian Office fail to show such compliance on the part of any person whatsoever of that name.

In as much as you are invested with authority to enroll only those Mississippi Choctaws who claim rights under said article 14, in view of the facts stated above, it cannot be held, either as a direct conclusion or as a matter of inference, that these applicants are entitled to enrollment.

July 3, 1902, J. O. Pool, as attorney for the applicants filed an exception to your judgment rendered June 4, 1902, stating that at the date on which the re-hearing was ordered, that the representatives of the Choctaw and Chickasaw Nations failed to appear; that the judgment was taken by default against said Nations, and that your Commission, of its own motion, "set the said judgment by default aside and did not proceed to render judgment against these applicants."

It does not appear from the record that you rendered a judgment "by default," but even though such were the case, your decree would be of no effect thereunder. You are authorized to identify applicants claiming under said article 14 and in determining the right of such persons you are at liberty to proceed, notwithstanding the fact that the representatives of the Choctaw and Chickasaw Nations neglect to avail themselves of their privilege of being present at the hearing.

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July 30, 1902, the Acting Commissioner of Indian Affairs recommended that your action be approved. The Department concurs therein and your decision is accordingly affirmed.

Copy of the Acting Commissioner's letter inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

I inclosure.

Muskogee, Indian Territory, November 22, 1902.

J.O. Pool ,
Attorney-at-Law,
Nacona, Texas.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 288

Muskogee, Indian Territory, November 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

~~You are hereby notified that on the 8th day of November,~~
1902, the Secretary of the Interior affirmed the decision of this
Commission refusing the applications for identification as Missis-
sippi Choctaws of the several persons included in the consolidated
case of Ronchali C. Barron, et al., of which decision you were ad-
vised by mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 22, 1902.

Chester Howe,
Attorney-at-Law,
623 F. St., N.W.
Washington, D.C.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

M.C.R. 288

Muskogee, Indian Territory, November 22, 1902.

Ronchali C. Barron,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

M.C.R. 288 ✓
M.C.R. 252
M.C.R. 178
M.C.R. 6418

Muskogee, Indian Territory, December 30, 1902.

J. O. Pool,
Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing certified copy of marriage record between W. H. Haines and Emma Coolidge, offered for filing in support of the application made by Harper Haines for the identification of himself and minor children as Mississippi Choctaws.

You ask to be advised if the records in the Mississippi Choctaw cases of R. C. Barron, et al., John Scarborough et al., and Nannie Dunnam et al., have been returned by the Secretary of the Interior to this Commission.

In reply to your letter you are informed that the certified copy of the marriage record above referred to has been filed with the record in the case of Harper Haines, et al.

You are further advised that the records in the several Mississippi Choctaw cases mentioned by you have not been returned to this Commission but are now with the Department.

Respectfully,

Acting Chairman.

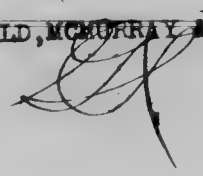
Muskogee, Indian Territory, May 12, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of each of the testimony taken at the rehearing before said
Commission in the following consolidated Mississippi Choctaw cases:

Richard H. Warnon, et al.,	M.C.R. 156
John Sessums, et al.,	M.C.R. 184
Ronchali C. Barron, et al.,	M.C.R. 288 ✓

also one copy of the testimony of witnesses given at the rehearing
in the consolidated case of Annie E. Stanphill, et al., M.C.R. 4009.

MASSFIELD, MCMURRAY & CORNISH.



TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES, Muskogee, Indian Territory, March 1, 1904.

Received of the Commission to the Five Civilized Tribes
one copy of decision in the matter of the consolidated Mississippi
Choctaw case of Ronchall C. Barron et al.

in the matter of the consolidated ...
Hall C. Barron, et al.

M. J. Barron
James Barron

Parron Care

R 288

Ranchali C Parron

Principal applicant

First wife

Elizabeth Carnall $\frac{1}{2}$
Dead

Christen Periman
and her wife - full blood
Dead

Martha Periman Dead
married full
John Barron Dead
 $\frac{1}{4}$ $\frac{6}{12}$

Thomas Barron $\frac{3}{4}$
Thomas H Barron
Dead

Second wife
Mary Jane Shelton $\frac{1}{4}$
Dead

No 1

John M. Barron
Eliza Ann Barron
Thomas Jefferson Barron ^{See page 2}
Nancy C. Barron
George J. Barron
Colbert B. Barron
Almida White ^{See page 5}
re Barron
Mary J. Barron
Elizabeth Barron
Melanahill Nixon ^{See page 6}
re Barron
Travis Barron ^{See page 1}
David H. Barron

Wink Barron
Margaret Barron
Ronchali C. Barron ^{See page 7}
Mary E. Conitney ^{See page 7}
re Barron
Peresa Re ^{See page 7}
re Barron
Viola Sharp ^{See page 7}
re Barron
Lucretia Park ^{See page 8}
re Barron
Robert Barron
Miss Litteral ^{See page 8}
re Barron
Linda Barron ^{See page 9}

Thomas Jefferson Barron's
 married Deace
 Elizabeth Leman, white
 Deace

Eliza A. Taylor, 51. 1/4
 ne Barron
 C. M. Taylor, white,
 husband,

Cornelius D. Taylor 23
 John N. Taylor 21
 Mary Ann O. Smith 18
 William D. Taylor 19
 Thos. J. Taylor 13

Maryella Petrie
 ne Barron
 May 10

R370

William C. Cunningham 26, '18

R372

Thomas L. Cunningham 25, '18
Effie Cunningham, wife

R373

Irvin E. Cunningham 11
" Otto C. Cunningham 2
" Mona D. Cunningham 8m

R367

Charles E. Cunningham 20, '18

R371

Alvada O. Tyler 23, '18
J. Tyler, white, husband

R371

Raymond O. Tyler 2
" Vernon L. Tyler 1 m

R368

Ellie Neely 20, '18
W. Neely, husband
white.

James Cunningham
Florence Cunningham

Joseph L. Cunningham
Sallie E. Cunningham
Ne. Harn. White, wife

R362

Alvada White, 68, 1/2

1st husband, W. Cunningham
white, Dead
2nd " Robt. Cruden
white, Dead
3rd " James Patterson
white, Dead
4th " B. White, White

Elizabeth Higgins
ne Cunningham

1st husband W. Phelps
white, Dead
2nd husband John W. Higgins
white

Ollie O. Phelps 25
Jane Phelps 23
Clara Phelps 19
Mellie Phelps 16
Elmer Phelps 13
Lela Phelps 10
Johnnie Higgins 11
Vergil Higgins 2

Albert H. St Cyr, 16
 " Ben C St Cyr, 14
 " Mada B St Cyr, 10
 " Myrella J St Cyr, 7
 " Charles C St Cyr, 5
 " Ed C St Cyr, 3

R. 44
 Myrella J. St Cyr 46 1/4
 ne Cunningham
 Ben St Cyr White
 husband

Willa Patterson 27
 Robert H. Patterson 25
 Edna M. Patterson 20
 George C. Patterson 14
 William H. Patterson 10
 Clarence C. Patterson 5
 Howard Patterson 3

R. 53
 Rebecca J. Patterson 44 1/4
 ne Crudup
 John H. Patterson, white,

Crudup
 R. 54
 Almeda White, 68 1/2
 1st husband
 W. Cunningham, white, Dead
 2nd husband
 Robt. Crudup, white, Dead
 3rd husband
 James Patterson white
 Dead
 4th husband
 R. W. White, white,

Louisa Peter Dead
 ne Crudup
 name of husband not given

R. 52
 Alice Peter 15
 Allie Peter 13

Admitted by US Court
 R. L. Crudup 36
 Ellen Crudup, white,

Herbert Crudup 8
 Edna Crudup 7
 Nora Crudup 6
 Ernest Crudup 3
 Clarence Crudup 1

Mellie O. Davis 37 1/2
 ne Crudup
 L. S. Davis white
 husband

Stella M. Davis 15
 Robert J. Davis 11
 Myrtle Davis 10
 Elam A. Davis 9
 Mary L. Davis 6
 Katie P. Davis 3
 Fred L. Davis 1

R. 51 Thomas B Crudup, 34, 1/4
 Maggie Crudup, white,
 wife

R. 51 Maria M Crudup 10
 Mary Crudup 8
 Robert Crudup 6
 Joseph Crudup 11
 Louisa Crudup 2

Continued,

R. 52 Almida White 68 1/4 —

1st husband
 W. B. Cunningham, white,
 Dead

2nd husband
 Robt Crudup, white,
 Dead

3rd husband
 James Patterson, white,

4th husband
 B. W. Whit white

R. 54
 Orla Nix 27, 1/4 —
 M. Patterson
 R. N. Nix white,
 husband

R. 54
 Charles H. Nix 9
 Verna Nix 6
 Clayton Nix 3
 Corone Nix 1

R. 59
 Frederick M Patterson 27 1/4
 Ella Patterson, white, wife

R. 59
 Almida Patterson 1

Melam or Melhe Mison
ne Barron

Mary C. Allbright
ne Mison
Lottie Flowers
ne Mison
Josephine Jarric
ne Mison
Cora Mils.
ne Mison X

Travis Barron
Dead
Lottie Barron white

Miss Taylor 33, 1/4
ne Barron
Tom Taylor, white, husband,
Milla J. Spencer 25, 1/4
ne Barron
H. A. Spencer white
husband

Georgia L. Taylor 9
Lillian N. Taylor 6
Albert D. Taylor 4

Herbert Spencer 5

Mary E. Courtney 47
ne Barron
James Courtney, white,

Mary A. Patterson 28, 1/4
ne Courtney
Lopattison white, husband,
Larissa E. Burby
ne Courtney X
R. P. Burby white husband,
Lottie J. Yarbrough
ne Courtney
Ida F. Borritt
ne Courtney
James W. Courtney
Barry Byron C. Courtney 18
Nittie A. Courtney
Emma M. Courtney 9

James E. Patterson 8
Thomas L. Patterson 6
Lillian A. Patterson 4
Fannie S. Patterson 2
Albert J. Burby 6
Noah E. Burby 2

¹⁸⁸⁸
 Ronchali C. Barron 49 ^{11/2} - Hamlet Barron 20
 Martha P. Barron white, wife - Mary Almida Barron 13

Admitted by U.S. Court
 Serena Reed
 re Barron

Thomas Reed, 22	Admitted by U.S. Court
Lila Reed, 20	" " "
Eva Reed, 18	" " "
Oliver Reed, 16	" " "
Carroll Reed, 14	" " "
Rutha Reed, 12	" " "
Mable Reed, 10	" " "
Jesse Reed, 8	" " "
Josie Reed, 6	" " "

Admitted by U.S. Court
 Viola Sharp
 re Barron

Robert E. Sharp	Admitted by U.S. Court
Martin L. Sharp	" " "
John Travis Sharp	" " "
J. B. Sharp	" " "
Willie B. Sharp	" " "
Josephine Sharp	" " "

Admitted by US Court
 Lucretia Porter
 Mrs Barron

Archibald W. Porter	17	Admitted	1	US Court
Mrs Porter	15	"	"	"
Luzerger Porter	13	"	"	"
Thomas Hudson Porter	10	"	"	"
Hugh Porter	6	"	"	"
Viola Porter	4	"	"	"
Henry Wood Porter	2	"	"	"

John Litteral, Dead—
 Mrs Barron

Joseph Litteral White
 husband,

Mary E. Litteral	
R ¹³⁶ Celadine Litteral	
" Carrie Litteral	
" Ron Litteral	
" Katie Litteral	
" Hallie Litteral	
" Theoford Litteral	
" May Litteral	
" Ben Litteral	
" Alfred W Litteral	

Elizabeth Litteral

Luzerger Barron

Mattie Barron White,
 wife

Claimants as intermarried
Mississippi Choctaws &c

A Cornelius Taylor
Husband of Eliza A Taylor
Daniel Nix Husband of
Celia Nix

mb 1961

Myrtle Barron 51,
married
Robert Petre ^{third}
Joseph M. Cotner seems
name of first husband
not given

mb 1961

Milly A. Cotner 19, '81
J V ^{manis} Malone white
Joseph L. Cotner 16
Ed D. Petre 6

R
C
P
D

Roy D. Malone

MEMORANDA.

JUN 18 1900

Name Rouchali D. Barron (Date) 1900 Durant, J. J.

Choctaw? Miss. County Year No.

Chickasaw? County Year Page

Citizen by blood? yes. Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Martha P. Barron (no)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

21. Hamlet (M)
13. Mary A (F)

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
Permanence of name &
testimony of Colbert
June 18, 1900.

(Father) Thomas H. Barron 1
(Mother) Mary Jane Barron 2

Ponchali C Barron

vs.

Choctaw Nation

MISSISSIPPI, CHOCTAW, Case No. 1288

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. # 288.

Evidence:
"Ranchali C."
"Mary A. Barren"

Judgmt:
"Ranchili W."
"Mary A. Ranchili".

R. MANGELSDORF,

FOR IDENTIFICATION AS *No. 288*
A MISSISSIPPI CHOCTAW.

June 18, 1900. See Choc. R 463

RETURNED

Lonchali C. Barron

His name is recorded as No. 288

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.
JUL 7 1900

36

61036

Field Office.

Incl No. 3

1500

288

DEPT. OF THE INTERIOR,
BUREAU OF THE FIVE CIVILIZED TRIBES
FILED

3 1902



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Ronchali C. Barron,

8830

Durant,

Indian Territory.

H237

Choctaw MCR 289

Briscoe Morgan

See MCR 114

MCR 289

IDENTIFICATION AS A

A MISSISSIPPI CHOCTAW

Priscot Morgan et al

21512289

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Briscoe Morgan, for himself and on behalf of his minor children for identification as Mississippi Choctaws. Briscoe Morgan being first duly sworn by Acting Chairman Tams Bixby, testified as follows:

- Q What is your name? A Briscoe Morgan.
Q You apply as a Mississippi Choctaw? A Yes sir.
Q How old are you? A Twenty-six.
Q Where do you live? A I live in Howland, Texas.
Q Have you ever lived in Indian Territory? A No sir.
Q Always lived in Texas? A Yes sir.
Q What is your father's name? Ike Morgan.
Q He living? A Yes sir.
Q Is he a Choctaw Indian? A Yes sir.
Q How much Choctaw blood does he claim? A Three-quarters.
Q Was his father a Choctaw Indian? A I don't know sir.
Q Was his mother? A Yes sir.
Q What was his father? A I disremember what his father was, but his mother was a full blood Choctaw Indian.
Q What is your mother's name? A Julia Morgan.
Q What is she? A A Colored woman.
Q Is she living? A Yes sir.
Q How much Choctaw blood do you claim to have? A Three-eighths.
Q You claim as a Mississippi Choctaw? A Yes sir.
Q Through whom do you base your right to identification as a Mississippi Choctaw? A I don't understand.
Q Did your father live in Mississippi? A Yes sir.
Q Was he recognized as a Choctaw? A No sir he was not.
Q Do you know whether any of your ancestors were ever recognized as Choctaw Indians by the Choctaw tribe in Mississippi. A Not that I know of.
Q Do you know whether your father removed with the Indians when they moved West in 1833? A Not that I know of.
Q Do you know whether your father or any of your ancestors ever removed from Mississippi to the Indian Territory? A Not that I know of.
Q You claim as a Mississippi Choctaw? A Yes sir.
Q Do you claim under the 14th article of the treaty of 1830? I don't know anything about those articles at all.
Q Did you ever take any advantage of the provisions of the 14th article of the treaty of 1830? A No sir.
Q Did you or any of your ancestors ever take ~~advantage~~ claim or receive any lands as beneficiaries under the treaty of 1830? A Not that I know of.
Q Do you claim under the 15th article of the treaty of Dancing rabbit Creek? A No sir.
Q Do you claim under the 19th article of that treaty? A I don't know.
Q Do you claim under the supplement to the treaty of 1830? A I don't know.
Q On what then do you base your claim for identification as a Mississippi Choctaw? A I don't understand.
(Question repeated) (No answer)
Q Do you claim under any of the provisions of the treaty of 1830? A I do claim under the treaty of 1830.
Q You do not claim under the 14, 15, 19 or the supplement of that treaty? A No sir.
Q On what then do you base your claim for identification as a Mississippi Choctaw? (No Answer)
Q On what do you base your claim for identification as a Mississippi Choctaw? A I don't understand.
Q What facts do you wish to bring before the Commission to establish your right to identification as a Mississippi Choctaw? A Because my

father was.

Q Was your father ever recognized as a Choctaw Indian by the Choctaws in Mississippi? A Not that I know of.

Q You don't know whether any of your ancestors were or not; you don't know then on what you base your claim, any more than that you think your father was a Choctaw Indian? A No sir.

Q Are you married? A Yes sir.

Q Do you claim anything for your wife? A No sir.

Q Have you any children? A Yes sir.

Q Do you claim anything for them? A Yes sir.

Q What do you claim them to be? A Same as myself.

Q Mississippi Choctaws? A Yes sir.

Q Did you marry the mother of your children under Indian law? A Under United States Law.

Q Where? A Paris, Texas.

Q What is the name of your children? A Charles B. Morgan 4, Cooper Morgan 2.

Q Any more? A That's all.

Q Who is the mother of these children? A Mary Morgan.

Q How old is she? A How old was she, she was 24, she's dead now.

Q These children have always lived with you, are living with you now? A Yes sir.

Q You are their natural guardian? A Yes sir.

Q Any additional statements you wish to make in their behalf at this time? A No sir.

Q Any papers that you desire to file for the consideration of the Commission now? A No sir.

Q Have you appeared before this Commission before? A No sir.

Q Did your father ever appear in your behalf before this Commission last year? A I don't know sir, whether he did or not

Q You claim your right to identification as a Mississippi Choctaw through your father? A Yes sir.

Q Do you know who your father's mother was? A No sir.

Q Was she an Indian? A I was always told that.

Your father, in an appearance before this Commission as an applicant for enrollment as a citizen of the Choctaw Nation at Caddo, 1899, testified that his mother was a half blood Chickasaw and the slave of a Choctaw; is that true? A Not that I know of.

Q You don't know anything about it? A No sir.

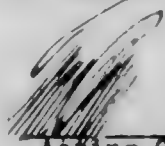
Q Do you know that your father made application for you with the rest of his family last August? A Not as I know of.

Q Any papers that you desire to submit to the Commission at this time? A No sir.

Q The decision of the Commission in the matter of your application and of the application you make on behalf of your two minor children for identification as Mississippi Choctaws, will be mailed to you in writing at your present post office address sometime in the near future.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the above and foregoing is a full, true and complete transcript of this stenographic notes in said Cause.

Subscribed and sworn to before me this 27 day of July, 1900.


Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

*Briscoe Morgan
et al*

*mcr
#289*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Briscoe Morgan for the identification of himself and his minor children, Charles B. and George Morgan, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Briscoe Morgan appeared before the Commission at Colbert, Indian Territory, June 1, 1900, and there made application for the identification of himself and his minor children, Charles B. Morgan and George Morgan, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 26, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-

mission that the application for the identification of Briscoe Morgan for himself and for his minor children, Charles B. Morgan, and Cooper Morgan, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Commissioner.

Washoe, Indian Territory: Dec 1901.

Choctaw R-563

Muskogee, Indian Territory, February 20, 1902.

In the matter of the application)
of Bristow Morgan, for the enroll-)
ment of himself as a citizen by blood)
of the Choctaw Nation.)

To Bristow Morgan,

Arthur, Texas.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw, under the Act of Congress of June 26, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a descendant

B. M., 2.

ant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830 between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

COMMISSIONER
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDDER

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 289.

Muskogee, Indian Territory, July 21, 1902.

Briscoe Morgan,

Howland, Texas.

Dear Sir:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Whitfield, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Whitfield, et al.,	M.C.R. 114
Eva Garland,	" 113
Susie Harris,	" 115
Thomas Morgan, et al.,	" 116
Mary Black, et al.,	" 239
Briscoe Morgan, et al.,	" 289

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of ~~Emma~~ Whitfield, Mary Whitfield, Lucy Whitfield, Oma Whitfield, Isaac Whitfield, Willie Whitfield, Gatha Whitfield, Eva Garland, Susie Harris, Thomas Morgan, Charlie Morgan, Mary Black, John Black, Ezra Black, Willie Black, Brinous Black, Briscoe Morgan, Charles B. Morgan and Cooper Morgan, as Chootaw Indians entitled to rights in the Chootaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,



Commissioner in Charge.

Registered.

COPY

M.C.R. 289

Muskogee, Indian Territory, October 21, 1902

Briscoe Morgan,
Howland, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Whitfield, et al., of which decision you were advised by registered mail on the 21st day of July 1902.

Respectfully,

SIGNED

Tamm
Acting Chairman.

89

FILED

1902

Unclaimed



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Briscoe Morgan,

750

Howland,

Tex.

ATTESTATION AS
MEDIC CHÓCTAWI P#289

RECEIVED.

Prison Morgan et al

June 18-1900

Judgment written January 23, 1901

H. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 26 1901



ACTING CHAIRMAN.

REFER TO M. C. R.

Choctaw MCR 290

Isaac W. Head

MCR 290

See MCR 726

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Isaac W. Head et al.
REFUSED.

RECEIVED BY THE FIVE CIVIL SERVICE
JUDGMENT RENDERED - NO COPY
MAILED APPLICANT.

SEP - 21, 1900

Head et al.
Isaac W. Head et al.

RECORD FORWARDED DEPARTMENT.

DEC - 3 1900

A COPY OF THIS BY THE DEPARTMENT.

JAN 27 1902

NOTICE OF DEPARTMENTAL
ACTION - MAILED APPLICANT.

FEB 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS

FEB 1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR APPLICANT.

FEB 1 1902

REFER TO M. C. R. 726.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Isaac W. Head et al for identification as Mississippi Choctaws., and Isaac W. Head, being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A. Isaac W. Head.
Q Age? A. Thirty-seven (37).
Q Where do you live? A. Emmet.
Q What Nation? A. Chickasaw.
Q Is that your Postoffice? ~~Emmet~~ A. Yes sir.
Q Do you claim as a Mississippi Choctaw? A. Yes sir.
Q For whom do you claim? A. For myself, wife and three children.
Q How long have you lived in the Chickasaw Nation?
A I moved to Emmet, the 9th day of May, 1900.
Q Where did you live before you came to the Chickasaw Nation?
A Mississippi.
Q What point? A. Webster County; Mahan was my Postoffice.
Q How long did you live in the State of Mississippi.
A Born and raised there; never was out with the exception of three months.
Q What is the name of your father? A. John S. Head.
Q Is he living? A. No sir.
Q When did he die? A. Two years ago the 9th of last April.
Q Was he a Choctaw Indian? A. Yes sir., Mississippi Choctaw.
Q What proportion of Choctaw blood did he claim? A. One eighth.
Q Did he live in the State of Mississippi? A. Yes sir.
Q Did he ever live in the present Indian Territory? A. Never did.
Q What is the name of your mother? A. Mary F. Head.
Q Is she living? A. Yes sir.
Q Where does she live? A. In Mississippi.
Q Has she always lived in Mississippi? A. Yes sir; my understanding is she was born and raised there.
Q Is she a white woman? A. Yes sir.
Q Does your name appear upon the Choctaw tribal rolls as a Choctaw Indian? A. Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A. No sir.
Q Did you ever make such application for your wife or children?
A No sir.
Q Did their names appear on any of the Choctaw tribal rolls?
A No sir.
Q Did you make application to this Commission in 1896 for citizenship on the Choctaw Nation? A. No sir.
Q You have never been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A. No sir.
Q Your father was never so recognized? A. No sir.
Q Are you married? A. Yes sir.
Q What is the name of your wife? A. Nancy Medora Head.
Q Is she living? A. Yes sir.
Q Is she a white woman? A. Yes sir.
Q Have you any children? A. Have three.
Q What are their names and ages? A. Joe John, 10 years old, Olla, 8 and Clara Hazel 3.
Q These are your children by Nancy Medora Head? A. Yes sir.
Q You make application for them as Mississippi Choctaws? A. Yes sir.
Q You base their application upon the same grounds as your own?
A Yes sir.
Q Upon what ground do you base your claim for your wife?
A As inter-married Mississippi Choctaw.
Q How old is your wife? A. Thirty-three or thirty-four.
Q What is the name of her father? A. Joe Starnes., he signs his name J. W. Starnes.
Q Is he living? A. Yes sir.
Q What is the name of your wife's mother? A. Sally Starnes.
Q Is she living? A. Yes sir.

Q Is she living? A Yes sir.
Q Where were you married? A Mississippi.
Q What point? A In Webster County, at Starke's Post-office.
Q When were you married to your wife? A In 22, 'Harc', eleven years ago.
Q Do you desire to offer in evidence your marriage licence and certificate? A I do a little later.
Q Upon what treaty do you base your claim? A Not being acquainted with the treaties, I just base all the treaties with the Mississippi Choctaw Indians.
Q Between what people? A Between the United States and Mississippi Choctaw Indians.
Q You do not base your claim upon any particular article of any particular treaty between the United States and Choctaw Indians? A No sir; I do not understand the treaties; I base it upon all of them.
Q You do not base your claim upon the fourteenth article of the treaty of Dancing Rabbit Creek? A I cannot say; I will just have to include them all.
~~Q Did you ever take advantage of the provisions of the treaty of Dancing Rabbit Creek? A/ No sir.~~
Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of Dancing Rabbit Creek treaty? A No sir.
Q Did you ever receive any land as beneficiary under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
Q Did any of your ancestors ever receive any land as beneficiaries under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
Q Did any of your ancestors ever receive any land under any other articles of the treaty of Dancing Rabbit Creek? A No sir.
Q Is there any additional statement in regard to your case you desire to make at this time? A No sir.
Q Have you any papers you desire to file at this time? A Yes sir. Application of Isaac W. Head et al, for identification, as Mississippi Choctaws; affidavit of Mrs. Kizzie Therry; affidavit of Mrs. M. P. McFatter; affidavit of Ab Holland; affidavit of Mary P. Head offered in evidence, identified as Exhibits "A, B, C, D & E", filed and made a part of the record in this case.

Any papers which you may desire to file in connection with the application of yourself and children for identification as Mississippi Choctaws, and your wife as an inter-married Choctaw, at a later date, will not be considered by this Commission in connection with this application, but will be forwarded together with any and all other papers, with the application, ~~in the~~ you have today made, to the Honorable Secretary of the Interior, when the final rolls of the Choctaw Nation are sent him for approval.

You will be furnished later a copy of the decision of the Commission in this case in writing, mailed to you at your Postoffice address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

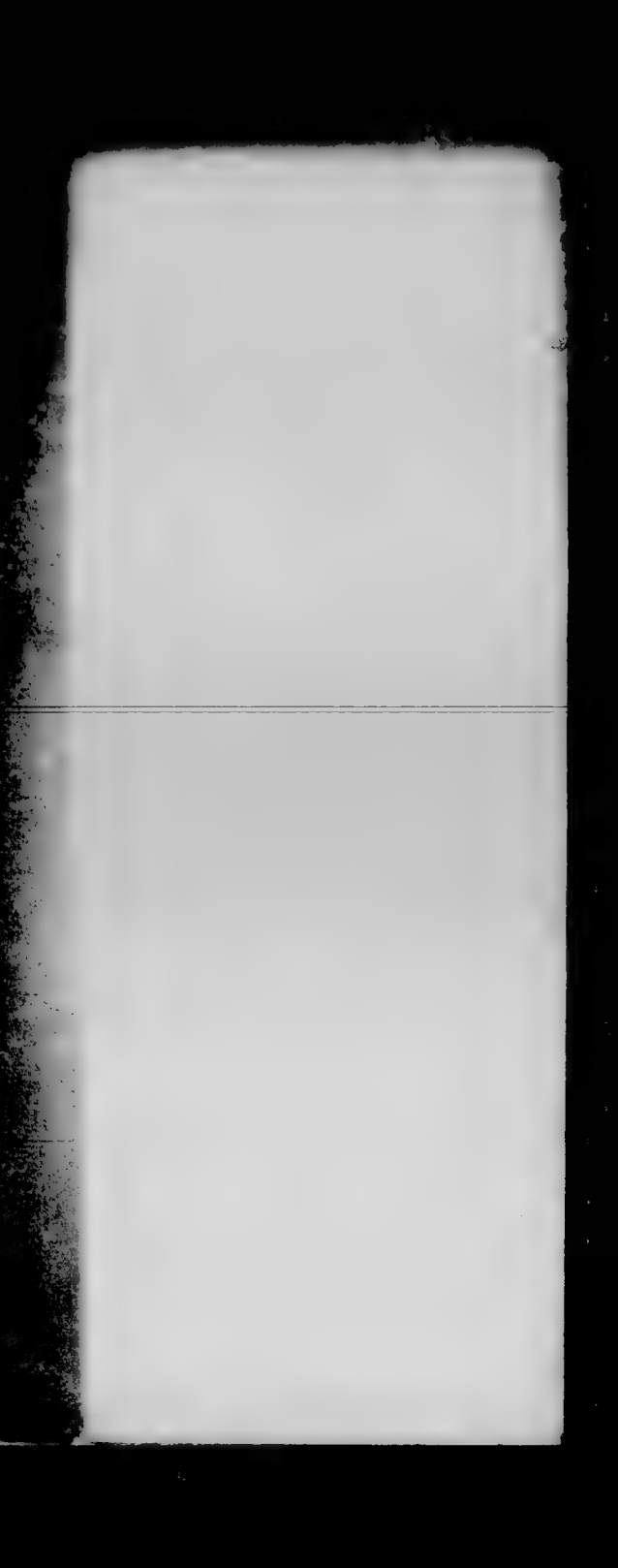
Subscribed before me this 21 day of June, 1900.


Acting Chairman.

R 290

FOR IDENTIFICATION AS
A MISSISSIPPI CIRCULAR.

Isaac W. Head et al



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac W. Head for identification of himself and on behalf of his three minor children as Mississippi Choctaws, and on behalf of his wife as an intermarried Mississippi Choctaw.

The applicant, Isaac W. Head, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from his oral testimony given at that time in his own behalf and on behalf of his three minor children for identification as Mississippi Choctaws and on behalf of his wife, Nancy N. Head, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 20th, 1898, (Curtis Bill), and is as follows, to wit:

"said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior; Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of Mississippi Choctaws of Isaac W. Head, on his own behalf and on behalf of his three minor children, Joe John, Clara H. and Ole, and on behalf of his wife, Nancy M. Head as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION,

Muskogee, Indian Territory, Sept 4th, 1900.


Acting Chairman

COPY.

Muscogee, Indian Territory,

September 6th, 1900.

Isaac W. Head,

Arrest, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children Joe John, Ola, and Clara H. Head for identification as Mississippi Choctaws, and the application made by you on behalf of your wife as an intermarried Mississippi Choctaw, before the Commission at Colbert, Indian Territory, June 18th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,

SIGNED: *Tame Dixey*
Acting Chairman

M. C. R.-290.
Enc.
Registered mail.

Waskage, Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Adams, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant enclosing the written request of Emeline Cunningham to have the record in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

The same has been filed with the other papers in this case and the record so made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are forwarded to him for approval.

Also enclosing written requests of Isaac W. Head, J. M. Carter and Mary Strahan to have the records in the matter of their applications for identification as Mississippi Choctaws forwarded to the Secretary of the Interior.

The same have been filed with the other papers in these cases and the records made will be forwarded to the Secretary of the Interior together with the report of the Commission on the identification of Mississippi Choctaws as provided in the act of Congress of June 28th, 1898.

Yours truly,

7-R-528

M. C. R-290

M. C. R-146 M. C. R-148

Acting Chairman.

Muskogee, Indian Territory, November 16, 1901.

J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your two letters of September 19 and September 27, with which you inclose motion and affidavit of Isaac W. Head, an applicant for identification as a Mississippi Choctaw, to have his case re-opened for additional evidence first in the state of Mississippi and then in the Indian Territory. You also ask that the cases of certain other applicants for identification as Mississippi Choctaws, claiming descent from the same common ancestor, be set for the same day, and that you and the applicants be advised of the date fixed for the hearing of these cases.

Replying to your letters you are advised that it appears that the original records in the case of Isaac W. Head have been forwarded to the Secretary of the Interior, and are now at the Department. The Commission has therefore no jurisdiction to fix a

J.R.A. 2

date for the re-hearing of these cases, as requested by you.

The motion and affidavit of Isaac W. Head are herewith returned to you.

Yours truly,

Acting Chairman.

AB 4-18

Muskegee, Indian Territory, January 14, 1902.

J. R. Arnold,

Ardmore, Indian Territory.

Sir:

Receipt is hereby acknowledged of your letter of the 4th instant to the Secretary of the Interior, Washington, D. C., enclosing affidavit and motion of Isaac W. Head to have his case as an applicant for identification as a Mississippi Choctaw re-opened for the purpose of the introduction of additional evidence in the state of Mississippi and which has been referred to this Commission for consideration and appropriate action.

The application and affidavit of Isaac W. Head is returned to you herewith with the information that the Commission cannot fix any time or place for the introduction of additional evidence in support of the applications of Isaac W. Head, et al., for identification as Mississippi Choctaws for the reason that the original record in this case is now in the possession of the Secretary of the Interior awaiting his action upon the decision of the Commission of September 5, 1901, refusing the application for identification as Mississippi Choctaws of the said Isaac W. Head, his three minor children and his wife as an intermarried Mississippi Choctaw.

J E A 2

The Commission fully advised you relative to this matter on November 18, 1901 in reply to your letter of September 19, and September 27, 1901, and fails to understand the reason for your action in calling the attention of the Department to a matter clearly within the jurisdiction of the Commission.

Should the Department find the record as submitted in this case insufficient upon which to determine the rights of Isaac W. Head, et al., to identification as Mississippi Choctaws, it is probable that the Commission will be so notified in due time and if there are instructions for any further procedure in the case, the applicant and his attorney of record will be duly notified.

Yours truly,

Commissioner in Charge.

Enc Y 186

(Copy)

Refer in reply to the following :

Land

61036 -- 1900

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 24, 1902,

The Honorable,

The Secretary of the Interior,

Sir:-

I transmit, herewith, for the consideration of the Department ~~the record including the judgment of the Commission to the Five~~ Civilized Tribes in the matter of the application of Isaac W. Head, et al. for identification as Mississippi Choctaws.

In his testimony given before the Commission at Colbert, Indian Territory June 18, 1900, the applicant states as follows; I am 37 years of age, reside at Emmett, Chickasaw Nation, Indian Territory, have lived in the Chickasaw Nation since the 9th day of May, 1900; prior to that time in the State of Mississippi, Webster County where I was born; that his father's name was John S. Head who was a Mississippi Choctaw and lived in the State of Mississippi; that neither his mother nor his father appear upon any of the rolls of the Choctaw Nation, nor have they been recognized as citizens of the Choctaw Nation by the tribal authorities; that he did not make application to the Commission to the Five Civilized Tribes in 1896 for citizen-

ship in said Nation; that his wife's name is Nancy Medora Head who is a white woman; that they have three children whose names are Joe John, Olla and Clara Hazel; that their application for citizenship is upon the same grounds as that of their claimants, and that he claims for his wife citizenship as an intermarried Mississippi Choctaw.

He further states in his testimony that he includes all the treaties and articles thereof in his claim for identification as a Mississippi Choctaw; that he never took advantage of the provisions of the treaty of Dancing Rabbit Creek, nor ever received any land as a beneficiary under the provisions of the 14th article of said treaty; neither did any of his ancestors.

There is filed in support of the claim the affidavits of Mrs. M.P. McFatter, Mrs. Kizzie Wherry, Ab Holland, Mary F. Head and the application of Isaac W. Head and others marked "Exhibits A.B.C.D. and E.", and made a part of the record in this case. The affidavits state that the affiants were acquainted with the ancestors of the applicant Isaac W. Head; that they were Choctawa by blood; but are silent as to the fact relative to the 14th article of the Treaty of 1830, and throw no light on any material feature necessary to establish the identification of the applicants as Mississippi Choctaws.

The Commission states that "after carefully considering the testimony of the applicants given at the time of their personal

appearance before the Commission for examination and the written evidence submitted to them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830."

The application for identification as Mississippi Choctaws of ~~Isaac W. Head, on his own behalf and on behalf of his three minor~~ children, Joe John, Clara H. and Olla, and on behalf of his wife Nancy M. Head as an intermarried Mississippi Choctaw, is hereby refused. The office after a careful examination of the testimony and the affidavits submitted in support of this case is of the opinion that the applicant has failed to establish his identity as a Mississippi Choctaw entitled to enrollment as such, and recommends that the judgment of the Commission be approved, and proper notice thereof given the applicants,

Very respectfully,
Your obedient servant,

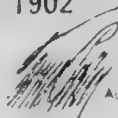
W.A. Jones,
Commissioner,

A.B. (E.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 4 1902



ACTING CHAIRMAN.

- Copy -

J.P.

6307

C.

DEPARTMENT OF THE INTERIOR,
Washington,

I. T. D.

505 - 1902

File 896- 1898

L. R. S.

January 27, 1902,

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen

On January 24, 1902, the Commissior of Indian Affairs forwarded the record in the matter of the application of Isaac W. Head for the enrollment of himself and his three minor children as Mississippi Choctaws and his wife as an intermarried Mississippi Choctaw, and recommended that your decision rejecting the application be concurred in.

It appears that none of the claimants have been enrolled or admitted to citizenship in the Choctaw Nation.

Head states that neither he nor any of his ancestors ever took advantage of the fourteenth article of the treaty of 1830.

Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), and the act of May 31, 1900 (31 Stat., 221), you find that the evidence in this case is not sufficient to enable the Commission to identify the applicants as

- 2 -

Mississippi Choctaws entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830.

The Department concurs in your conclusions and your decision is affirmed.

A copy of the Commissioner's letter is enclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

EMD.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 6, 1902.

Isaac W. Head,

Kmet, Indian Territory.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of your application for the identification of yourself and your three minor children, Joe John, Olla and Clara Hazel Head, as Mississippi Choctaws and for the identification of your wife, Nancy Medora Head as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in your case, refusing your application for the identification of yourself and your minor children as Mississippi Choctaws and for your wife, Nancy Medora Head as an intermarried Mississippi Choctaw.

Yours truly,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 6, 1902.

L. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of Isaac W. Head for the identification of himself and his three minor children, Joe John, Olla and Clara Hazel Head as Mississippi Choctaws and the identification of his wife, Nancy Medora Head as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he ~~states~~ the decision of the Commission in this case, refusing the application of Isaac W. Head for the identification of himself and his minor children as Mississippi Choctaws and for his wife, Nancy Medora Head as an intermarried Mississippi Choctaw.

Yours truly,

(SIGNED):

*T. B. Needles**Commissioner in Charge.*

COPY.

Muskogee, Indian Territory, February 6, 1902.

L. P. Hudson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of Isaac W. Head for the identification of himself and his three minor children, Joe John, Olla and Clara Hazel Head, as Mississippi Choctaws and the identification of his wife, Nancy Medora Head as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in this case, refusing the application of Isaac W. Head for the identification of himself and his minor children as Mississippi Choctaws and for his wife, Nancy Medora Head as an intermarried Mississippi Choctaw.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY.

Muskegee, Indian Territory, February 6, 1902.

Mansfield McMurray & Cernish,
Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of Isaac W. Head for the identification of himself and his three minor children, Joe John, Olla and Clara Hazel Head, as Mississippi Cheetaws and the identification of his wife, Nancy Medora Head as an intermarried Mississippi Cheetaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 27, 1902, in which he affirms the decision of the Commission in this case, refusing the application of Isaac W. Head for the identification of himself and his minor children as Mississippi Cheetaws and for his wife, Nancy Medora Head as an intermarried Mississippi Cheetaw.

Yours truly,

(SIGNED)

I. B. Needles

Commissioner

REFER IN REPLY TO THE FOLLOWING:

MOR 290

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 5, 1906.

Isaac W. Head,

Emet, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed in this office June 25, 1906, by Attorney D. H. Linebaugh of Atoka, Indian Territory, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

W. O. Beall

Acting Commissioner.

Isaac W. Head et al

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW, Case No. 1296

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. #290.

Evidence:
"Clara Hazel"

Judgment:

"Clara H."

R. MANGEL 1977

7/16/1931

... to
Tippit for ...
as attorney ...
application ...

270

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

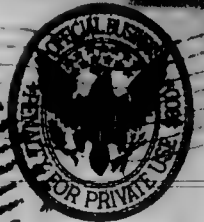
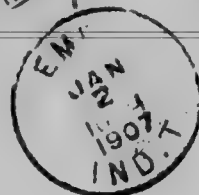
FILED

JAN - 7 1907

Commissioner.



Department of the Interior,
Commissioner to the Five Civilised Tribes,
MUSKOGEE, IND. TER.



UNCLAIMED

Isaac W. Head,
Emet, Indian Territory.

MEMORANDA.

(Date) 1899.
 Name Isaac W. Head (37) Emmett 9.5
 Choctaw? Mississippi Choctaw. County not on roll Year 1885 No.
 Chickasaw? No County Year 1896 Page
 Citizen by blood? Yes (1/6) Mother's citizenship U.S.
 Intermarried citizen? No

Married under what law?

License filed this day,

Wife's name, Nancy M. Head (33)

Choctaw? No County

Chickasaw? No County

Citizen by blood? No Mother's citizenship

Intermarried citizen? Yes

Married under what law?

License filed this day

Names of children:

(11) Joe John County

(3) Clara B. County

Ola-age 8 County

County

County

County

County

County

County

County

County

(father) - John S. Head (DEAD)

Chickasaw & Mississippi Choctaw. blood.

(mother) - Mary B. Head (11)

FOR IDENTIFICATION AS
 MISSISSIPPI CHOCTAW.

(father) - Joe Starnes
 (mother) - Sally

Year Page No.

Year Page No.

Year Page No.

Year Page No.

Year Page No.

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Year Page No.

Year Page No.

Year Page No.

Choctaw MCR 291

John S. Johnson

MCR 291

See MCR 94

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R. 297

John S. Johnson et al.
REFUSED.

MAILED TO
MAILED AND COPI
MAILED APPLICANT,
FEB 23 1901

REASON RENDERED

RECORD FORWARDED DEPARTMENT.

FEB 3 1902

NOTICE OF DECISION MAILED APPLICANT.

3

NOTICE OF DECISION
FORWARDED ATTORNEY

3

FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

3

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 3 1902

AL ACTION APR 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 94.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1906.

In the matter of the application of John S. Johnson for the identification of himself and his children as Mississippi Choctaws, and of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby he testifies as follows:

- Q What is your name? A John S. Johnson.
Q What is your age? A Thirty-four. *Naples I T*
Q What is your post-office address? A
Q How long have you lived in the Indian Territory?
A Since 1894.
Q Where did you live before coming to the Indian Territory?
A In Texas.
Q How long had you lived in Texas? A Five or six years I guess, as well as I can guess it.
Q Where did you live before that? A Kentucky.
Q Were you born in Kentucky? A No sir. I was born in Tennessee.
Q Did you ever live in Mississippi? A Never did.
Q What is your father's name? A Joe Johnson.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does he claim to have?
A Quarter.
Q Has his name ever appeared upon the Choctaw tribal rolls? A Not that I know of.
Q Has he ever been recognized as a Choctaw Indian by the Tribal authorities? A I don't suppose he has.
Q What is your mother's name? A Mary.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A One-eighth.
Q Has your name ever been on the rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in the year 1896? A No sir.
Q This your first application? A This is my first application.
Q Ant body apply for you? A Yes sir, my father.
Q When? A Last year.
Q When he applied a year ago did your father state that you were a Mississippi Choctaw? A I don't know what he stated.
Q What is the name of your wife? A Nora Franklin.
Q How old is she? A I don't know; I have doubtless (Here applicant produces paper which states:) Born March 20th 1876.
Q You claim that she is an intermarried Mississippi Choctaw?
A Intermarried? I don't know what that means.
Q You don't claim that she is a Choctaw by blood? A No sir.
Q What do you claim? A I claim she is my wife, and I claim a right to her through me; I don't know whether it will be right or not, but I guess it will be, but I don't know.
Q Where did you marry her? A In Texas.
Q When? A In 1894 I think it is.
Q Have you a marriage license and certificate? A No sir.
Q What is the name of her father? A Franklin.
Q Ben Franklin, or what kind of name? A I don't know what his given name is.
Q Is he living? A No sir.

Q What is the name of her mother? A Franklin when she died.
 Q She is dead? A Yes sir.
 Q You claim that your children are Mississippi Choctaws?
 A Yes sir.
 Q The foundation of their claim is the same as yours?
 A I suppose so.
 Q Under which treaty do you claim identification for yourself and children as Mississippi Choctaws? A I don't know a word about the treaties.
 Q Do you claim under any particular treaty or under several?
 A I don't know anything about that part of the business at all.
 Q Do you or do you not claim exclusively under the 14th article of the Treaty of 1830? A I don't know a thing in the world about that; I claim to be a Mississippi Choctaw, that is, a descendant.
 Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
 Q Did any of your ancestors? A I don't know sir.
 Q Did you ever claim or receive any lands as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No sir.
 Q Are your children living with you? A Yes sir.
 Q Their post-office address and residence has always been the same as yours has it? A Yes sir.
 Q What are their names and ages? A Rossie Eliza, born September 21, 1865; Johnnie Lee, born February 19th, 1898; Sterling Elbert, born February 12th, 1900.
 Q You will be permitted to file your marriage license and certificate later on if you desire to do so.
 Q Is there anything else that you think of that you would like to state to the Commission at this time? A I have a paper here I don't know whether or you will receive it or not.
 Acting Chairman: We will take your paper and allow you to file. Affidavit of John Johnson officer in evidence, and exhibit "A" will be a part of the record.)

The Commission is unable from the evidence in this case to identify you or your wife or your children as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 26th, 1898. The decision of the Commission, stating fully its reasons for arriving at this conclusion will be furnished you in writing, mailed to your present post-office address.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of this stenographic notes in said case.

W.D. Green

Subscribed and sworn to before me this 2 day of June 1900.

[Signature]

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John S. Johnson
et al

mcr
#291

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John S. Johnson, for the identification of himself and his minor children, Rossie Elma, Johnnie Lee and Sterling Elvert Johnson, as Mississippi Choctaws, and for the identification of his wife, Nora Franklin Johnson, as an intermarried Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that John S. Johnson appeared before the Commission at Colbert, Indian Territory, June 16, 1900, and there made application for the identification of himself and his minor children, Rossie Elma Johnson, Johnnie Lee Johnson, and Sterling Elvert Johnson, as Mississippi Choctaws, and for the identification of his wife, Nora Franklin Johnson, as an intermarried Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section thirty one of the Act of Congress approved June 28, 1898, (Public - No. 102), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty

between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of John S. Johnson for himself and for his minor children, Kessie Elva Johnson, Jennie Lee Johnson and Sterling Elvert Johnson, as Mississippi Choctaws, and for the identification of his wife, Nora Franklin Jourser, as an intermarried Mississippi Choctaw, be and the same is hereby confirmed.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory, 20

Muskogee, Indian Territory, February 26, 1901.

John S. Johnson,

Naples, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor children for identification as Mississippi Choctaws, and also for your wife as an inter-married Mississippi Choctaw.

Yours truly,

Encl. hh
Reg.M.
M.C.R. 391

Acting Chairman.

Muskogee, Indian Territory, September 2, 1901.

Mr. John S. Johnson,
Naples, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Ada Seeds et al., David R. Johnson, Leo Johnson, and William Johnson et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted the applicants for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 18, 1900 and applied for the identification of yourself and three minor children as Mississippi Choctaws, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Tuesday, November 5th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

J.S.J. #2

such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 291

Commissioner in Charge.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John S. Johnson
et al

mcr.
#291

COPY.

Muskogee, Indian Territory, February 3, 1902.

John S. Johnson,

Naples, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of January 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph Johnson, et al.,	M.C.R. 94
John S. Johnson, et al.,	M.C.R. 291
William Johnson,	M.C.R. 297
Lee Johnson,	M.C.R. 298
Maude Long, et al.,	M.C.R. 461
Ada Seeds, et al.,	M.C.R. 296
David R. Johnson,	M.C.R. 240
Monroe Johnson, et al.,	M.C.R. 4079
Joseph E. Johnson,	M.C.R. 4080
Felix B. Johnson, et al.,	M.C.R. 4081
Alfred Johnson, et al.,	M.C.R. 4082
Martha A. Gordon, et al.,	M.C.R. 4083
John R. Gordon,	M.C.R. 4084
Isabell Stone, et al.,	M.C.R. 4085

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 22, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Joseph Johnson, Etta Johnson, Annie May Johnson, Everett Johnson, Talasidge Johnson, John S. Johnson, Rosalie Elma Johnson, Johnnie Lee Johnson, Sterling Elbert Johnson, William Johnson, Lee Johnson, Maude Long, Evelyn Long, Ada Seeds, Gladis Seeds, Clyde Seeds, H. S. Seeds Jr., David R. Johnson, Monroe Johnson, Ray Johnson, Joseph E. Johnson, Felix B. Johnson, Mollie Johnson, Mary Johnson, Marguerite Johnson, Alfred Johnson, Felix Johnson, Ida Johnson, Maria Johnson, William Johnson, Martha A. Gordon, Immar Gordon, Ethel Gordon, Lee Bennett Gordon, Elbert Gordon, George Lawrence Gordon, John R. Gordon, Isabell Stone, Henry Luther Stone, and Almer Munroe Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a petition was heretofore made by the attorneys for the applicant withdrawing the application made by John S. Johnson, for the identification of his wife, Nora F. Johnson, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Monroe Johnson for the identification of his wife, Blanche Johnson, and the application made by Felix B. Johnson for the identification of his wife, Hattie Johnson, and the application made by Alfred Johnson for the identification of his wife Janie Johnson, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

J. S. J., 2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED): *James Dixby.*

Acting Chairman.

M.C.R. 291.

Registered.

Miss. Choctaw R291

Muskogee, Indian Territory, April 17, 1902.

John S. Johnson,

Haples, Indian Territory,

Dear Sir:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph Johnson, et al., of which decision you were advised by registered mail on the twenty ninth day of January, 1902.

Yours truly,

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-291

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1906.

John S. Johnson,
Naples, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, denied the motion filed in this office by J. O. Pool, attorney at law, Mocona, Texas, June 25, 1906, praying that the applicants in the consolidated Mississippi Choctaw case of Joseph Johnson et al. be enrolled as citizens by blood of the Choctaw Nation.

Respectfully,



Commissioner.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

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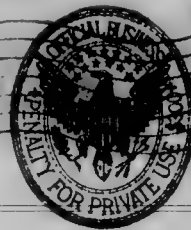
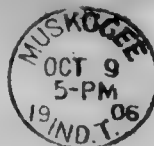
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[Handwritten signature]



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



John S. Johnson,

Maples, Indian Territory.

Ret. to Muskogee

Unclaimed

291

Second decision mailed to
John S Johnson because
first copy was mailed
out undated.

3/15/1961
a.B

MEMORANDA.

JUN 18 1900

(Date)

Name

John S. Johnson

Naples, I.T.

Choctaw?

Miss. County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

yes

Mother's citizenship

(N. S.)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Mora F. Johnson

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

(Yes)

Franklin (father)

Married under what law?

Franklin (mother)

License filed this day

Names of children:

(3rd) Sterling E. (m)
5 Rosie E. (17)
2 John L. (m)

County

Year

Page

No.

County

Year

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No.

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.
Personal appearance
testimony at
College, June 15, 1900.

(Father) Joe Johnson
(Mother) Mary Johnson

Choctaw MCR 292

Josie Bronaugh

MCR 292

See MCR 446

REGISTRATION
A MISSISSIPPI CHOCTAW. R. 292

Josie Bronaugh et al.
REFUSED

NOTICE OF DEPARTMENTAL ACTION

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW APPLICATIONS.

RECORD FORWARDED DEPARTMENT.

JUL 19 1902

ACTION APPROVED BY DEPARTMENT.

AUG 14 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED DEPARTMENT.

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED DEPARTMENT FOR CHOCTAW
AND CHICKSAW APPLICATIONS.

AUG 29 1902

REFER TO M. C. R. 4-7-6.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1901.

In the matter of the application of Jennie Bronough for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Edixie she testifies as follows:

- Q What is your name? A Jennie Bronough.
Q What is your age? A I am twenty-six.
Q What is your post-office address? A Colbert.
Q How long have you lived in the Indian Territory? A Eighteen years, going on nineteen.
Q Where were you born? A I was born in Bell County, Texas.
Q Did you ever live in Mississippi? A No sir, never did.
Q What is your father's name? A His name is Benjamin W. Honey a white man.
Q Is he living? A No sir.
Q What is your mother's name? A Her name was Lee.
Q Her given name? A Cynthia Louisa; she belonged to the Colored Family.
Q Is she dead? A No, she is living.
Q Is she a Choctaw? A She is Choctaw by blood.
Q How long have you been on the Choctaw rolls? A No sir, it is not on that I know anything about.
Q Has she ever been recognized by the tribal authorities as a Choctaw Indian? A No sir, nothing only to locate her in the Nation just as any other Indian; but she was never recognized in the enrollment of Indians.
Q What proportion of Choctaw blood does she have? A Black skin and one-eighth.
Q What proportion of Choctaw blood do you claim? A One-eighth.
Q Has your name ever been on the rolls? A No sir.
Q Have you ever been recognized by the tribal authorities as a Choctaw Indian? A No sir, never did.
Q Did you ever apply to the tribal authorities for enrollment as a Choctaw Indian? A No sir, not until last August.
Q That was before this commission? A Yes sir.
Q Did you ever apply to the authorities of the Choctaw tribes? A No sir.
Q Not me and my mother?
Q Did you apply to the census commission in the year 1880? A No sir.
Q Your first application was last August? A That was to me and my mother.
Q What was your mother's name when she applied? A Cynthia Louisa. It was rejected.
Q Do you know whether your mother claimed to be a Mississippi Choctaw last year? A I want to just tell you; of course I aint come up here to swear no lie nor nothing about it; she claimed Choctaw; I reckon it is Mississippi Choctaw, and that is the reason they won't enroll her, because she was a Choctaw; they said they didn't doubt her being Indian blood at all. They said they know by the name that she was a Mississippi Choctaw.
Q Why said that? A That was that enrolled the name; I don't know who it was; I don't know his name.
Q Don't you know they wouldn't recognize her on the Indian roll because she was a Mississippi Choctaw; they said they knew by the name that she was a Mississippi Choctaw.
Q Under which treaty do you claim as a Mississippi Choctaw? A I don't know, I don't, without it is the 1830.
Q Did you ever read the Treaty of 1830? A No sir, I have no education myself.

Jessie Bronough et al #2

When did you first learn that you were a Mississippi Choctaw?

A I have knowed it all my life, ever since I was born; I reckon that is the first thing I ever know.

Q Do you claim under any particular treaty? A No sir, nothing only I reckon we are under the 14th treaty; I don't know nothing about the treaties; you know I have no education, I am just a poor girl, just a orphan girl; I have no father.

Q Did you ever take advantage of the 14th article of the Treaty of 1830? A No sir, I never did.

Q Did any of your ancestors? A I don't know; if you will explain that a little bit further maybe I can tell you something about my foreparents.

Q Did you ever receive or claim any land as a beneficiary under the 14th article of the Treaty of 1830? A No sir.

Q Did your ancestors? A My grandmother drawed what we called annuity money; I did know when it was, but I have forgotten.

Q Did she ever get any land? A No sir, she never got any land, just come here in the nation and lived on it.

Q She never got any land in Mississippi? A No sir, well now you are asking me too far back, I don't know; all I know is just what is here.

(Here applicant states that she has some children)

Q What are the names of your children, and their ages?

A Pyron ~~Kenneth~~ Bronough, six years old; Curtis Bronough, four years old.

Q What is the name of the father of these children? A James F. Bronough.

Q Is he living? A Yes sir.

Q These children live with you? A Yes sir.

Q Is there any other statement that you would like to make in regard to your case? A Nothing only I have a statement that I think I can get my right by proving you know.

Q Have you got the statement with you? A No sir, but I think I can get it during this year.

Q If you desire to file any additional evidence in the form of statements or affidavits we will accept them for the consideration of the Secretary, but they will not be considered by the commission unless they are filed at this time.

A I think I can get my evidence all right. If it had been just a little bit later I think I could have all them here all right, but you know it is so far off I couldn't get them.

The commission is unable from the evidence in this case to identify you and your children as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28th 1898. The decision of the commission, stating more fully its reasons why it has arrived at this conclusion will be furnished you in writing, mailed to your present post-office address.

M.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 20 day of June 1900.


Acting Chairman.

MISSISSIPPI CHOCTAW

Rose Wrennough Etal
McR 292

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Josie Bronaugh, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Josie Bronaugh, et al. H.C.R. 292
Wesley G. Renfro " 446

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of Josie Bronaugh, et al.

(Page)

Original application of Josie Bronaugh, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws1

Original application of Wesley G. Renfro before
the Dawes Commission for identification as a
Mississippi Choctaw3

Decision of the Commission denying the application
of Josie Bronaugh, et al., for identification as
Mississippi Choctaws6

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J. H. N.

J. H. N.

C. v. W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jessie Bronough, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Jessie Bronough, et al H.C.R. 232
Wesley G. Renfro " 446

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Jessie Bronough for herself and her two minor children, Pyren and
Curtis Bronough, and by Wesley G. Renfro, for himself, under the
following provision of the act of Congress approved June 25, 1898
(30 Stat., 498):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may admin-
ister oaths, examine witnesses and perform all other acts nec-
essary thereto and make report to the Secretary of the Interi-
or."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one 'Holmes', who is alleged to have been a half-blood Choctaw Indian.

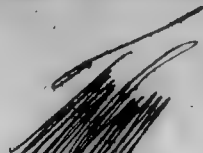
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

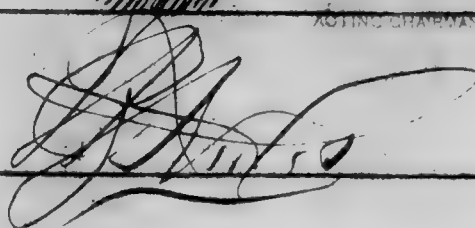
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said 'Holmes', or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1848 (9 Stats., 215).

(3)

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse Brenough, Byron Brenough, Curtis Brenough and Wesley G. Renfre, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.


C. R. McCreary.
Commissioners.

Muskogee, Indian Territory,

JUL 19 1902

Muskogee, Indian Territory, July 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Josie Bronough, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 19, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Josie Bronough, et al., M C R 292
Wesley G. Renfro, " 446

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

1 enclosure.

COPY.

W C R 292

Muskogee, Indian Territory, July 19, 1902.

Mansfield, McMuray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

30 1/2 McAlester, Indian Territory.

Dear Sirs:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josie Bronough, et al., embracing the following applications for identification as Mississippian Choctaws:

Josie Bronough, et al.	W C R	292
Wesley G. Renfro,	"	446

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josie Bronough, Pyron Bronough, Curtis Bronough and Wesley G. Renfro

M, No & C-2

as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

E. B. Needles.

Commissioner in Charge.

Registered.

COPY.

C R 292

Muskogee, Indian Territory, July 19, 1902.

Josie Bronough,

Colbert, Indian Territory.

Dear Madam:-

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josie Bronough, et al., embracing the following applications for identification as Mississippi Choctaws:

Josie Bronough, et al., C R 292
Wesley G. Renfro, 446

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josie Bronough, Pyron Bronough, Curtis Bronough and Wesley G. Renfro, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,

Josie Bronough-2

and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

Land,
43,963-1902.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

Washington, August 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from Thomas B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of Josie Bronough et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the 14th article of the treaty of 1830.

Josie Bronough applies for the identification of herself and her two minor children, Pyron and Curtis Bronough and Wesley G. Renfro applies for the identification of himself.

July 19, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

They claim descent from "Holmes", an alleged Choctaw woman.

The records of the office fail to show that the alleged original ancestor of the applicants complied or attempted to comply with the provisions of Article 14 of the treaty of 1830 or that

-2-

she applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights.

It is therefore recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

(Signed) A. C. Tonner,

Acting Commissioner.

(G.A.W.)

P.

D.C. 13619-1902.

49708

MAF.

DEPARTMENT OF THE INTERIOR.

Washington, August 19, 1902.

ITD. 5030-1902.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

With your letter of July 19, 1902, you transmitted the record and your decision of that date, in the matter of the applications for identification as Mississippi Choctaws, of Josie Bronough and her minor children, Pyron and Curtis Bronough; and of Wesley G. Renfro.

The applicants endeavor to trace their descent from one "Holmes" who is alleged to have been a half blood Choctaw woman.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said "Holmes," or a less remote ancestor of applicants, ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications.

-2-

The Acting Commissioner of Indian Affairs forwarded the papers August 13, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully considered the whole case, the Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

RMD.

1 inclosure.

M.C.R. 292.

Muskogee, Indian Territory, August 9, 1902.

Mansfield, McFurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josie Bronough, et al., of which decision you were advised by mail on the 19th day of July, 1902.

Yours truly,

Acting Chairman.

M.C.R. 292.

COPY.

Muskogee, Indian Territory, August 29, 1902.

Josie Bronough,

Colbert, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josie Bronough, et al., of which decision you were advised by registered mail on the 19th day of July, 1902.

Yours truly,

Signed

Wm. D. Dwyer
Acting Chairman.

JUN 18 1900

Josie Brownagh, (111) CHOCTAW., $\frac{1}{12}$
Colbert, I. T.

(Father) Benj. F. Hawey. $\frac{1}{2}$
(mother) Cyntia L. Lee. $\frac{1}{8}$

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance
at Colbert, I. T. June 18, 1900.

(111)
6. Pyron.
4. Curtis

(Father) Jos. F. Monroe

REFER TO M. C. R. 292

Eric Bronough
Edal

Consolidated Core

Holmes grant grants
mother of applicants
decedent in 446

Abel Lee
wife
Cynthia Lee

x Cynthia L Lee
mailed

1st Benjamin J Hancy
2^d James R. Hancy

x applicant for excellent
2^d Chas R 253 Decison
under 5/9/02 Decison
application Record for
Department 5/9/02
Cynthia L Lee 12.0

^{m to R}
^{2/9/2}
Joie Hancy 26 j/16
mailed
James J Bronough

¹²
^{1/16}
Wesley G. Ruffo

^{m to R}
^{2/9/2}
Eugene Bronough 6
Leatha Bronough 11

Choctaw MCR 293

MCR 293

Della Peek

See MCR 85

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Lella Cuck

et al

REFUSED

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1

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NOV 11 1902

ADJUTANT GENERAL

RI

RECEIVED

NOV 11 1902

NOV 11 1902

NOTICE TO THE PUBLIC
FORWARD - A. L. L. FOR CHOCTAW
AND CHOCTAW

NOV 11 1902 85

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Della Peek et al for identification as Mississippi Choctaws, and Della Peek, being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A. Della Peek.
Q What is your age? A. Twenty-nine (29).
Q You apply for identification as a Mississippi Choctaw, do you?
A Yes sir.
Q Do you apply for yourself alone? A. My-self and children.
Q Where do you live? A. Near Durant.
Q In the Choctaw Nation? A. Yes sir.
Q How long have you lived there? A. About six years.
Q Where did you move from to the Choctaw Nation? A. Texas.
Q Six years ago? A. Yes sir.
Q Where did you live in Texas? A. I lived in Collin County near Leonard.
Q How long did you live there? A. I lived there about ten (10) or eleven (11) years, as near as I can tell.
Q Where did you live prior to that time? A. Hunt County, just adjoining that.
Q How long did you live in Hunt County? A. About nine (9) years.
Q Where did you live before that? A. I was born in Mississippi.
Q How long did you live in Mississippi? A. Four years.
Q Did you move from Mississippi to Texas? A. Yes sir.
Q What is the name of your father? A. Albert Austin Edwards.
Q Is he living? A. No sir, he is dead.
Q When did he die? A. In 1892.
Q Was he a white man? A. No sir, he was part Indian.
Q What kind of an Indian? A. Choctaw.
Q What proportion of Choctaw blood did he claim to have?
A One fourth or one eighth, I do not know which; his father was a half I believe.
Q What proportion of Choctaw blood do you claim? A. One eighth.
Q What is the name of your mother? A. Peyton is her name now; ~~xxx~~
Q Her first name? A. Johnson.
Q What is her given name? A. Nancy Peyton.
Q Is she living? A. Yes sir.
Q Where does she live? A. Near Durant.
Q Is she a white woman? A. Yes sir.
Q Did your father ever live in the Choctaw Nation? A. No sir.
Q He was never recognized by any Choctaw tribal authorities as a Choctaw? A. Not that I know of.
Q Does your name appear upon any of the Choctaw tribal rolls?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A. No sir.
Q Did you make application to the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A. No sir, not that I know of.
Q You would be apt to remember it, would you not? A. I am ~~xxx~~ in the same case the Millers are; they made application for me the same as them.
Q What is the style of the ~~case~~ in which your name appeared; in a case for citizenship in the Choctaw Nation?
A Yes, for enrollment of Choctaws.
Q Have you a copy of the judgment in court of your case, or anything? A. Yes sir.
Q Where is it? -- Did any one make any application for you in 1896 when the Dawes Commission was in Vinita? A. No sir, I did not understand your question at first; no one made application for me, nor did I make application for myself for citizenship in the Choctaw Nation in 1896.
Q Is this the first time you have ever appeared before this Commission? A. Yes sir.

Q. You can then go back and make application to the National Government, instead of the application to the State National Government, correct? A. Yes sir.

1. If there are any other cases any other applicant for a license, you should call the State Board of Education and ask them to consider the situation. The State Board of Education is the only one who can issue a license.

... ..

It is

1. The first thing I should do is to find out what the problem is. No one, not even I, knows of it.

On the basis of our collection, ~~and~~ ~~we~~ ~~are~~ ~~not~~ ~~in~~ ~~the~~ ~~position~~ ~~to~~ ~~make~~ ~~a~~ ~~final~~ ~~report~~

2. Your fee, \$100.00, for your call from 11:00 a.m. to 1:00 p.m. on 11/11/11, is \$100.00.

Order of the day for 20 October 1977

[illegible]

0. You do not state specifically under which part of the "..."
are particularly important between the initial 15 top... of the...

Q. And is under the advent, or of the provisions of the treaty of 1830? A. No sir.

A 70% drop. I know of.

During the past few years, the following have been the major factors in the development of the program:

Is there any other information relevant to the case, which you wish to add to the above?

Is that all the statement you desire to make? A. Yes, sir.

A I do not think my wife.

Application of J. Reed (Jella Reed); Affidavit of J. L. Johnson; affidavit of Elizabeth Johnson; affidavit of J. P. Donaldson, affidavit of Martha Jackson offered in evidence and identified as Ex-

hibits "A,B,C,D,D & E", filed and made a part of the record in this case.

A copy of the decision of the Commission with reference to your case will be furnished you at a later date, in writing, mailed to you at your present Post-office address.

R. R. Crovens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Crovens

Sworn to and subscribed before me this 11 day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Della Peaks for identification of herself and on behalf of her four minor children as Mississippi Choctaws, and on behalf of her husband, as an intermarried Mississippi Choctaw.

The applicant, Della Peaks, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from her oral testimony given at that time in her own behalf and on behalf of her four minor children for identification as Mississippi Choctaws and on behalf of her husband, Robert Peaks, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement with in the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Della Peeks, on her own behalf and on behalf of her four minor children Lula A., Robert A., Edna, and Dewey, and on behalf of her husband, Robert Peeks as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION,

Acting Chairman

Muskogee, Indian Territory, _____, 1900.

Muskogee, Indian Territory, August 29, 1901.

Messrs. Johnson & Horton,
Attorneys at law, Durant,
Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 22,
in which you state that you have been informed that the papers in
the application of Della Peek, an applicant for identification and
enrollment as a Mississippi Choctaw, have been returned to the Com-
mission by the Interior Department at Washington with letter of
instructions, and you ask to be supplied with a copy of such in-
structions.

In reply to your letter you are advised that on August 2nd,
1901 the Commissioner of Indian Affairs returned to this Commission
for further hearing the records in the application of Della Peek et
al., for identification as Mississippi Choctaws.

Proper notice will be given to all parties interested of
the date set for such further hearing.

Yours truly,

M.C.293

Muskogee, Indian Territory, September 14, 1901.

Della Peaks,

Durant, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and four minor children, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Monday, November 11, 1901, at 11:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 293

COPY.

Muskogee, Indian Territory June 10, 1902.

Della Peck,

Durant, Indian Territory.

Dear Madam:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John L. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

John L. Miller,	M.C.R.	85
Benjamin F. Miller, et al.,	M.C.R.	86
Joseph Lavina Weaver, et al.,	M.C.R.	87
James L. Miller, et al.,	M.C.R.	227
Mary Lee Horton, et al.,	M.C.R.	228
Joas S. Miller,	M.C.R.	230
Della Peck, et al.,	M.C.R.	233
Mary Jane Ashlock, et al.,	M.C.R.	610
Daniel R. Miller, et al.,	M.C.R.	931
David J. Edwards, et al.,	M.C.R.	1495
Cora W. Savage, et al.,	M.C.R.	3108
Annie Fleming,	M.C.R.	3627
William A. Edwards, et al.,	M.C.R.	3612
Benjamin A. Edwards,	M.C.R.	3218
Jesse J. Edington, et al.,	M.C.R.	3636
Albert Cassell Edwards, et al.	M.C.R.	4036

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine

D. F. #2

witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Miller, Benjamin F. Miller, Eddie Miller, Tommie Miller, Elijah Miller, Mattie Miller, Sammie Miller, Charlie Miller, Johnnie Miller, William Miller, Joseph Lavina Weaver, Benjamin Wesley Weaver, Cora May Weaver, James L. Miller, Richard Floyd Miller, Mary Lee Horton, Luther Dudley Horton, Jess S. Miller, Della Peck, Lula C. Peck, Robert A. Peck, Edna Peck, Dewey E. Peck, Mary Jane Ashlock, Tully O. Ashlock, Minerva J. Ashlock, James Oliver Ashlock, Daniel E. Miller, James Miller, William Miller, Elijah Miller, Mary Miller, Annie Miller, Anna Phillips, Ora Phillips, Annie Belle Phillips, Robert Barbee, David J. Edwards, George H. Edwards, David G. Edwards, Leslie Edwards, Iessie Edwards, Cora E. Savage, Langdon J. Savage, Annie Fleming, William A. Edwards, Fletcher Edwards, Clarence Edwards, Lou Mitchell Edwards, Benjamin A. Edwards, Jesse J. Edington, Minnie Edington, Bessie Edington, Mary Edington, Lewis Edington, Albert Caswell Edwards, Mariah Rachel Edwards and Worthy Anderson Edwards as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Registered.

Commissioner in Charge.

M. C. R. 293.

Muskogee, Indian Territory, October, 14, 1902.

Della Peek,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John L. Miller, et al., of which decision you were advised by registered mail on the 10th day of June, 1902.

Respectfully,

(SIGNATURE)

Commissioner in Charge.

MCR-293.

Muskogee, Indian Territory, January 15, 1907.

Della Peek,

Durant, Indian Territory.

Dear Madam:-

You are hereby notified that on January 5, 1907,
the Secretary of the Interior denied a motion, filed June 20,
1906, by L. D. Horton, for a reopening of the consolidated
Mississippi Choctaw case of John L. Miller et al., of which
the application for the identification of yourself and children
is a part.

Respectfully,

Commissioner.

Della Peaks et al
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW. Case No. *P293*

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. # 293

Evidence:
"Peck"
"Dewey E."

Judgment:

"Pecks"

"Dewey"

No claim for husband,
but he is included in
the judgment.

R. MANGELSON.

REFUSED

Della Prax et al

Indigent

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900



ACTING CHAIRMAN.

36

61036	Indian Office.	1900
	Incl. No 267	

REFER TO M. C. R.

Ref. #1

6217

MEMORANDA.

Name Gilda Peck (11) Durant, D. J. ^{June 18 1899}

MISSISSIPPI CHOCTAW. County

Year 1885 No.

Chickasaw? no County

Year 1896 Page

Citizen by blood? yes Mother's citizenship

U.S.

Intermarried citizen? no

Married under what law?

License filed this day,

~~where it was~~

Choctaw? no County

Year No.

Chickasaw? no County

Year Page

Citizen by blood? no Mother's citizenship

Intermarried citizen? no

Married under what law?

License filed this day

Names of children:

(6) Lula C ✓
 (4) Robert A ✓
 (3) Edna
 (9 Nov) Dwight E ✓

MISSISSIPPI CHOCTAW.

County

Year Page No.

County

Year Page No.

County

Year Page No.

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Year Page No.

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Year Page No.

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Year Page No.

County

Year Page No.

County

Year Page No.

(1 th)

(all 1 Austin)

Edwards

DEAD

1/4 or 1/8

(mother)

MISSISSIPPI CHOCTAW.

Nancy Peyton ✓

Choctaw MCR 294

Samantha Toney

MCR 294

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Samantha Tuney for identification of herself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Samantha Tuney.
Q What is your age? A Forty-seven.
Q What is your post-office address? A Woodville.
Q How long have you lived in the Indian Territory? A About twenty-six years.
Q Where did you live before you came to the Indian Territory?
A Texas.
Q Were you born in Texas? A No sir, I was born in Arkansas.
Q Did you ever live in Mississippi? A No sir.
Q What is your father's name? A Anderson Riddle.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A Choctaw Indian.
Q What proportion of Choctaw blood did he claim to have?
A I don't remember; I think it was one-eighth.
Q Was his name ever on the Choctaw rolls? A I don't know; he has an uncle that's on the Choctaw roll, Jack Riddle, but whether his is there I couldn't tell you.
Q When did he die? A He died in 1862.
Q Is Jack Riddle living now? A No sir, he is dead.
Q You don't know anything about his enrollment except what you have heard do you? A No sir.
Q What is your mother's name? A Martha Jane.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim to have?
A About one-fourth.
Q Is your name on the Tribal rolls? A No sir.
Q Has it ever been? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir, I never applied for it.
Q You never applied to the Choctaw Tribal authorities for enrollment? A No sir.
Q Did you apply to the Dawes Commission in the year 1896?
A No sir.
Q Is this your first application? A Yes sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A Under all of them I reckon, I don't know anything about the treaties, but I suppose I claim under all of them.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir, not if I knowed it.
Q You would know whether you did yourself? A Yes sir, I know I didn't.
Q Did any of your ancestors? A I couldn't tell you; my grandfather owned land in Mississippi, and I reckon that would be taking advantage.
Q It might; he might have bought land from somebody?
A I couldn't tell you that.
Q What was his name? A Matt Fan Riddle.
Q Did you ever see any patent to the land your grandfather claimed? A No sir, I was too small when I was about him to know anything about patents.
Q You are claiming that your children are Mississippi Choctaws are you? A I claim them just the same as myself.
Q Was your husband a white man? A Yes sir.
Q What is his name? A David Tuney.
Q Is he living? A Yes sir.

- Q Where did you marry him? A In Texas.
Q Was he living there at the time? A Yes sir. Living in Grayson County.
Q When was it? A February 15th 1871.
Q Are your children living with you? A Yes sir.
Q Their residence and post-office has always been the same as your own? A Yes sir.
Q What are their names and ages? A Eastman, nineteen; Jimmie, fifteen, Alex, thirteen; Mabel, nine; John, Seven; George, five.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
Q Have you got any papers you would like to file? A Nosir.

The commission is unable from the evidence in this case to identify you and your children as Mississippi Choctaws claiming under the Act of Congress of June 28th, 1898. The decision of the Commission, stating more fully its reasons for arriving at this conclusion will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 30 day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samantha Tumey, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Samantha Tumey, et al.,	M.C.R. 294
Frank Tumey,	M.C.R. 345

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Samantha Tumey, et al.

	(Page)
Original application of Samantha Tumey, et al., to the Lawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of John Lewis-----	3
Affidavit in interrogatory form of Matilda Giger-----	4
Affidavit of Samantha Tumey-----	6
Copy of letter of the Commission addressed to Samantha Tumey, Woodville, Indian Territory, giving notice of additional time for the submis- sion of testimony-----	7
Registry receipt-----	10
Copy of letter of Frank Tumey-----	11
Copy of letter of Samantha Tumey-----	12
Copy of letter of the Commission addressed to Frank Tumey, Woodville, Indian Territory, giving notice of granting time and the corrected spelling of names of applicants-----	13

Copy of letter of the Commission addressed to Samantha Tumey, Woodville, Indian Territory, giving notice of time to submit additional evidence and the corrected spelling of names of applicants-----	14
Copy of letter of the Commission addressed to Samantha Tumey, Woodville, Indian Territory, granting request for ten days additional time for testimony-----	15
Original application of Frank Tumey to the Dawes Commission for identification as a Mississippi Choctaw-----	16
Decision of the Commission refusing the application of Frank Tumey for identification as a Mississippi Choctaw-----	18
Registry receipt-----	19
Copy of letter of the Commission addressed to Frank Tumey, Woodville, Indian Territory, giving notice of an extension of time for the submission of testimony-----	20
Registry receipt-----	23
Copy of letter of Frank Tumey-----	24
Copy of letter of the Commission addressed to Frank Tumey, Woodville, Indian Territory, advising him of additional time in which to submit evidence and of the corrected spelling of his name-----	25
Copy of letter of the Commission addressed to Samantha Tumey, Woodville, Indian Territory, granting request of ten days additional time to submit testimony-----	26
Decision of the Commission refusing the applications in the consolidated case of Samantha Tumey, et al., for identification as Mississippi Choctaws-----	27

Amr
Coll

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samantha Tuney, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of-

Samantha Tuney, et al.,	M.C.R. 294
Frank Tuney,	M.C.R. 345

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Samantha Tuney for herself and her six minor children, Mastman,
Jimmie, Alex, Mabel, John and George Tuney; and by Frank Tuney for
himself, under the following provision of the act of Congress ap-
proved June 23, 1906 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end to ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of one Matt Fan (or Mat) Riddle, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Matt Fan (or Mat) Riddle, or ancestors less remote signified, (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samantha Tumey, Eastman Tumey, Jimmie Tumey, Alex Tumey, Mabel Tumey, John Tumey, George Tumey, and Frank Tumey as Choctaw Indians, en-

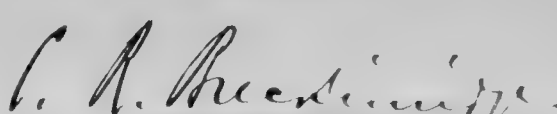
-3-

titled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.

Commissioner.

Mustang, Indian Territory,

OCT 14 1902

Muskogee, Indian Territory, April 15, 1908.

Samantha Tunney,
Woodville, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that on June 18, 1900, you appeared before said Commission at Colbert, Indian Territory, and there made personal application for the identification of yourself and your six minor children, Eustace, Jimmie, Alex, Mabel, John and George Tunney, as Mississippi Choctaw, and at that time you testified that you derived your alleged Choctaw blood from your father, Anderson Riddle and from your paternal grand-father, Matt Sam Riddle, but you did not attempt to show which one of your alleged Choctaw ancestors was a resident of the old Choctaw Nation in Mississippi and Alabama in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The authority which empowers this Commission to determine applications for identification as Mississippi Choctaw is contained in the twenty-first section of the Act of Congress of June 20, 1898, (30 Stat., 496), and is as follows:

Samantha Tuney---2

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Article fourteen herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

In order that you may have an opportunity to introduce further testimony in behalf of your application for identification as a Mississippi Choctaw, relative to your alleged Choctaw ancestors who may have been residents of the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as above quoted, you are hereby granted thirty days from this date in which to appear in person before the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, and testify further as to these facts, or introduce witnesses

Samantha Tuney----3

in person who may be able to testify of their own knowledge to said facts. In the event that said witnesses are not residents of Indian Territory, or that they are incapacitated from appearing in person by reason of old age or infirmity, their depositions may be taken, provided same are taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed you.

It appears from the records of this Commission that at the time of making your application you gave your name as Samantha "Tuney" and it also appears that on June 19, 1900, the day after you made your said application, there appeared one Frank "Tuney" who made application, claiming to be your son and gave your name as Samantha "Tuney". The Commission is desirous of knowing whether your surname is "Tuney" or "Tuney", in order that it may correct its records.

Yours truly,

Acting Chairman.

Enclosure
Rules and Regulations.

Registered.

Muskogee, Indian Territory, October 14, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha Tunney, et al., embracing the following applications for identification as Mississippi Choctaws:

Samantha Tunney, et al.,	M.C.R. 294
Frank Tunney,	M.C.R. 345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M. W. & C-8

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samantha Tunney, Eastman Tunney, Jimmie Tunney, Alex Tunney, Mabel Tunney, John Tunney, George Tunney, and Frank Tunney as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Washoe, Indian Territory, December 31, 1902.

Samantha Tuney,

Woodville, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha Tuney, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

James D. Dyer
Acting Chairman.

30P

Waskopos, Indian Territory, December 31, 1902.

J. O. Pool,

Attorney at Law,

Wescon, Texas.

Dear Sir:

You are hereby notified that on the 18th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha Turner, et al.

Respectfully,

Tame Dine
Acting Chairman.

Muskogee, Indian Territory, July 25, 1902.

J. O. Pool,

Hooona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant from South McAlester, Indian Territory, in which you desire to be furnished with the present status of the application of Samantha Tunney for identification as a Mississippi Choctaw and also have your appearance entered as attorney for this applicant.

Replying to your communication you are advised that on June 18, 1900, Samantha A. Tunney, 47 years of age, of Woodville, Indian Territory, made personal application to the Commission for the identification of herself and her minor children, Eastman, Jennie, Alex, Nabel, John and George Tunney as Mississippi Choctaws.

No decision has as yet been rendered in this case but the Commission now has the case under consideration and it is probable that a decision will be rendered in the near future.

Your request to be entered as attorney of record for these applicants has been complied with.

You are advised that the applications of Samantha A. Tunney and the other members of the same family are pending.

J O P E

from the same common ancestor, have been pending before this Commission for over two years and the applicants have during this period had the opportunity of presenting any further evidence they might desire in support of their claims.

The Secretary of the Interior has urged upon the Commission the necessity of rendering decisions and forwarding these Mississippi Choctaw cases at the earliest practicable date.

You are therefore advised that if you as attorney for these applicants anticipate taking any further steps in support of their claims, that you should do so immediately.

The Commission will withhold the rendition of a decision in the case of Samantha A. Tuney until August 15, 1902 and as early as practicable after that date a decision will be rendered and the record in the case forwarded to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 294

Muskogee, Indian Territory, October 14, 1902.

Samantha Tuney,
Woodville, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha Tuney, et al., embracing the following applications for identification as Mississippi Choctaws:

Samantha Tuney, et al.,	M.C.R. 294
Frank Tuney,	M.C.R. 345

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samantha Tuney, Eastman Tuney, Jimmie Tuney, Alex Tuney, Mabel Tuney,

Samantha Tunney, -2

John Tunney, George Tunney, and Frank Tunney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

W. C. C. C.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, October 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Samantha Tuney, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Samantha Tuney, et al., M.C.R. 294
Frank Tuney, M.C.R. 345

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

Land, 65298-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, Dec. 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Samantha Tumey for herself and her six minor children, Eastman, Jimmie, Alex, Mabel, John and George Tumey and Frank Rumey for himself, wherein a decision adverse to the applicants was rendered by the Commission on October 14, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Matt Fan Riddle, who, they claim, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected these parties because their names did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the name of the party from whom these applicants claim descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the pre-

visions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.)

P.

D.C.-25412-1902.

(COPY)

J.W.H. C.M.R.

DEPARTMENT OF THE INTERIOR.

ITD 7581-1902.

L.R.B.

WASHINGTON.

December 18, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 30, 1902, you transmitted the record in the consolidated case embracing the applications of Samantha Tumey for herself and her six minor children, Eastman, Jimmie, Alex, Mabel, John and George Tumey; and of Frank Tumey, for identification as Mississippi Choctaws, together with your decision of October 14, 1902, refusing to identify them as such.

The principal applicant claims that she is a one-quarter blood Choctaw woman, that her father was Anderson Riddle, and that he was the son of one Matt Fan Riddle, who resided in the old Choctaw Nation in 1830 and was possessed of Choctaw blood. The other applicants are her descendants.

In addition to the testimony furnished at the oral hearing, the affidavit of the principal applicant was filed as a part of the record. Therein she claims that her grandfather, Matt Fan Riddle, was a full-blood Mississippi Choctaw Indian residing in the Choctaw Nation, in Mississippi, in 1830, and that he was then the head of a family. She further states that her grandfather applied to the United States Agent Ward, in the Choctaw Nation, in Mississippi, to be enrolled under the fourteenth article of the treaty of 1830, and that the United States Agent Ward refused to register or enroll him, but abused him and told him to go away.

There was also filed in the case the deposition of one Matilda Giger, who claimed to be about 100 years old. Her deposition reads in part as follows:

Q. "Did you live in Mississippi and if so did you know Matt Riddle there? If your answer be yes state whether he was an Indian."

A. "No, I lived in Alabama, and did not know Mat Riddle in Mississippi but knew him and family in Alabama, as he moved there when the other Indians came West. Yes, Mat was an Indian, near a full blood, and I went with him and his wife back to Mississippi to get their land."

Q. "Did he take land in Mississippi?"

A. "No, he went to a man and wanted to take land, but he acted mad, and wanted Mat and family to come on with the other Indians, and would not let him stay."

As the principal applicant was born in 1853 it will be noted that her affidavit refers to matters of which she could have no personal knowledge. It cannot be determined from the statements contained in the deposition, quoted above, whether Matt Fan Riddle attempted to secure land under the provisions of article fourteen or article nineteen of the treaty of 1830. Furthermore, it does not appear that the deponent, Matilda Giger, testified from personal knowledge relative to the alleged attempt of Matt Fan Riddle to secure land in Mississippi. It cannot, therefore, be held that these applicants, by the testimony referred to above, have established their claims for identification as Mississippi Choctaws.

December 5, 1902, the Commissioner of Indian Affairs, reporting in the matter, stated that-

"An examination has been made of the records of this office with reference to the name of the party from whom these applicants claim descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830."

and recommended that your action be approved. In view of the

facts stated above the Department concurs therein, and your decision is accordingly affirmed.

A copy of the Commissioner's report is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, December 31, 1902.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha Tuney, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

SIGNED:

George W. ...
Acting Chairman.

Muskogee, Indian Territory, October 22, 1903.

Samantha Tuney,
Woodville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, wherein you ask what has been done with your case and if any more evidence is needed.

In reply you are informed that it appears from our records that on December 18, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on December 31, 1902. The Commission now considers your case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

CHOCTAW. (Miss) (1/4)

JUN. 18 1900.

Samantha Turney, (177)
Woodville, I. T.

(Father). Anderson Riddle. (1/8)
(Mother). Martha Jane. (N.S.) (1/2)

(Husband) David Turney.

19. Eastman. (m) 5. George. (m)
15. Jimmie. (m)
13. Alex. (m)
9. Mabel. (7)
7. John. (m)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony, at Colbert, I. T.
June 18, 1900.

Choctaw MCR 295

Lee Johnson

MCR 295

See MCR 94

MISSISSIPPI CHOCTAW
Lee Johnson
REFUSED

DEPARTMENT OF THE INTERIOR,
COMM. S. 1710 TO THE FIVE CIVILIZED TRIBES
JUDGMENT RENDERED AND COPY
FOR APPLICANT.

OCT 1 1900



ACTING CHAIRMAN

DECISION RENDERED

RECORD FORWARDED DEPARTMENT,

FEB 3 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

FEB 3 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANTS.

APR 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 17 1902

REFER TO M. C. R. 94

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Lee Johnson for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby he testifies as follows:

- Q What is your name? A Lee Johnson.
Q What is your age? A Twenty-four years old.
Q What is your post-office address? A Naples, I. T.
Q How long have you lived in the Indian Territory? A Since 1894.
Q Where did you live before you came to the Territory? A Texas.
Q How long had you lived in Texas? A Several years.
Q Were you born in Texas? A No sir, I was born in Fulton Kentucky.
Q Lived in Texas several years? A Yes sir, I don't know exactly how many years.
Q Did you ever live in Mississippi? A No sir.
Q What is your father's name? A Joseph Johnson.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does he claim to have?
A One-fourth.
Q His name ever on the Tribal rolls? A I don't think it is.
Q Was he ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q What is your mother's name? A Mary.
Q Is she living? A Yes sir.
Q Is she a Choctaw or a white woman? A White woman.
Q What proportion of Choctaw blood do you claim to have? A One eighth.
Q Was your name ever been on the Choctaw rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A My father was at Durant; that was before the Dawes Commission.
Q I am talking now about the Tribal authorities? A No sir.
Q Did you apply to the Dawes Commission in 1896? A My father did and I was with him, at Durant.
Q Four years ago I am talking about? A No sir.
Q Did your father apply in 1896? A No sir.
Q You are quite sure about that are you? A Why yes, I am sure.
Q Is this your first application? A Yes sir, this is my first.
Q Under which Treaty do you claim? A I don't claim ~~under~~ any treaty, I know nothing about the treaties.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A No sir, not that I know of.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830?
A No sir.
Q Did any of your ancestors? A Not that I know of.
Q Is there any additional statement you would like to make at this time in regard to your case? A I don't know whether I understand.
Q Is there anything more you want to say? A No, I guess not.
Q Have you got any papers you would like to file? A Yes sir.
Note: Affidavit of Lee Johnson introduced in evidence, marked exhibit "A" and made a part of the record.)

--Examined by Attorney Horton:

Lee Johnson #2

Q State whether this Joseph Johnson, your father, is the same Joseph Johnson who filed application for citizenship at this sitting of the Commission? A Yes sir.

Acting Chairman Bixby:

The commission is unable from the evidence in this case to identify you as a Mississippi Choctaw, claiming identification under the Act of Congress of June 28th 1898. The decision of the Commission, stating more fully its reasons for arriving at this conclusion will be furnished you in writing, mailed to your present post-office address.

F.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M.D. Green

Subscribed and sworn to before me this 20 day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lee Johnson for identification as a Mississippi Choctaw.

The applicant, Lee Johnson, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and at that time made application for the identification of himself as a Mississippi Choctaw.

It appears from the evidence in this case that the name of the applicant, Lee Johnson, has never been on any of the rolls of ~~the Choctaw Nation, or ever admitted to citizenship in the Choctaw~~ Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That his claim to recognition as a citizen of the Choctaw Nation is by reason of his rights to be identified by this Commission as a Mississippi Choctaw.


The only legislation vesting in this Commission authority to determine the identity of the Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 23th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicant given at the time of Lee Johnson's personal appearance before the Commission for examination, and the written evidence submitted by him in support of his application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of Lee Johnson on his own behalf, is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muscogee, Indian Territory, Oct 11 1900.

Atoka, Indian Territory, May 17, 1901.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

This office is in receipt of your letter of May 10, in which you ask for a full report on the case of Lee Johnson, MCR. 225. In reply to your letter, you are advised that the record on this case shows that on June 18, 1900, Lee Johnson, twenty four years old, whose father is Joseph Johnson, and mother Mary Johnson, whose post office is Naples, Indian Territory, appeared before the Commission at Colbert Indian Territory, and applied for identification as a Mississippi Choctaw. The applicants claims to have one eighth Choctaw blood, was born in Fulton, Kentucky, and has lived in Texas and Indian Territory since leaving Kentucky; never lived in Mississippi. The testimony shows that this application was refused at that time, and applicant advised that the decision of the Commission, in writing, stating more fully the reasons for this refusal, would be mailed. On October 1, 1900, such decision was rendered and copy mailed to applicant at Naples, Indian Territory. There is nothing in the testimony to indicate whether the applicant is a man or woman, but the card shows feminine, while the judgment reads "made application for identification of himself"; there is also a memorandum signed R. Mangelsdorf, which says "Judgment reads 'On his own behalf' should be 'On her own behalf'".

On December 3, 1900, the original papers in this case were forwarded to the Secretary of the Interior. The above is a full statement of fact, as shown by the record.

Yours truly,

Muskogee, Indian Territory, September 3, 1901.

Mr. Lee Johnson,

Naples, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 1, 1901, the commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Tuesday, November 5th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 295

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 3, 1902.

Lee Johnson,

Hoplen, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph Johnson, et al.,	M.C.R.	94
John S. Johnson, et al.,	M.C.R.	291
William Johnson,	M.C.R.	297
Lee Johnson,	M.C.R.	295
Maude Long, et al.,	M.C.R.	461
Ada Seeds, et al.,	M.C.R.	296
David R. Johnson,	M.C.R.	240
Monroe Johnson, et al.,	M.C.R.	4079
Joseph E. Johnson,	M.C.R.	4080
Felix B. Johnson, et al.,	M.C.R.	4081
Alfred Johnson, et al.,	M.C.R.	4082
Martha A. Gordon, et al.,	M.C.R.	4083
John R. Gordon,	M.C.R.	4084
Isabell Stone, et al.,	M.C.R.	4085

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Joseph Johnson, Etta Johnson, Annie May Johnson, Kverett Johnson, Talmadge Johnson, John S. Johnson, Ressie Elma Johnson, Johnnie Lee Johnson, Sterling Elbert Johnson, William Johnson, Lee Johnson, Maude Long, Evelyn Long, Ada Seeds, Cledis Seeds, Clyde Seeds, H. S. Seeds Jr., David R. Johnson, Monroe Johnson, Ray Johnson, Joseph E. Johnson, Felix B. Johnson, Mollie Johnson, Mary Johnson, Marguerite Johnson, Alfred Johnson, Felix Johnson, Ida Johnson, Maria Johnson, William Johnson, Martha A. Gordon, Immer Gordon, Ethel Gordon, Leo Bennett Gordon, Elbert Gordon, George Lawrence Gordon, John R. Gordon, Isabell Stone, Henry Luther Stone, and Almer Monroe Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicant withdrawing the application made by John S. Johnson for the identification of his wife, Nora F. Johnson, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Monroe Johnson for the identification of his wife, Blanch Johnson, and the application made by Felix B. Johnson for the identification of his wife, Hattie Johnson, and the application made by Alfred Johnson for the identification of his wife, Janie Johnson, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

L. J., 3.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). *James D. Dwyer.*

Acting Chairman.

M.C.R. 295.

Registered.

Miss. Choctaw R 296

Muskogee, Indian Territory, April 17, 1902.

Lee Johnson,

Naples, Indian Territory,

Dear Sir:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph Johnson, et al., of which decision you were advised by registered mail on the twenty ninth day of January, 1902.

Yours truly,

Acting Chairman.

71171

REFER IN REPLY TO THE FOLLOWING:

MCR-296

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1906.

Lee Johnson,
Naples, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, denied the motion filed in this office by J. O. Pool, attorney at law, Hoosena, Texas, June 25, 1906, praying that the applicants in the consolidated Mississippi Choctaw case of Joseph Johnson et al. be enrolled as citizens by blood of the Choctaw Nation.

Respectfully,



Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFUSED.

295

See Johnson

Judgment written.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
REPORT FOR 1899 AND COPY
FILED IN CASE.

1 1900



ACTING CHAIRMAN.

*Refers to
MBR^a 94*

37

61036	Indian Office	1304
	Incl. N ^o 269	

Lee Johnson

vs.

Choctaw Nation

Miss Choc

Case No. R 725

Original testimony and all papers filed in

this case forwarded Secretary of Interior,

December 3, 1960.

M.C.R. # 295

Judgment reads

"On his own behalf."

Should be "On her own behalf"

R. MANGELSDORF,

There is
a error as
the applicant
is a male

CHOCTAW. (Miss.) (1/8)

JUN 18 1900

Lee Johnson,
Staples, I.T.

(Father) Joseph Johnson. (1/4) -

(mother) Mary Johnson. (n.s.) ✓

(Self only)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Collet, I.T.
June 18, 1900.

DEPARTMENT OF
Commissioner to the

FILED

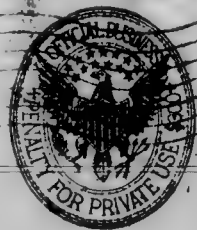
NOV - 8 1906

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Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Unclassified
295

John

Lee Johnson,

Wales, Indian Territory.

Trd. To Muschoggy

Choctaw MCR 296

Ada Seeds

MCR 296

See MCR 94

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

296

Ada Seeds et al
REFUSED.

U.S. DEPT. OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, FIVE CIVILIZED TRIBES,
BANKS, TENDERED AND COPY
TO APPLICANT.

OCT 1 1900

DECISION RENDERED

RECORD OF GUARDED DEPARTMENT

FEB 3 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION
FOR APPLICANT
FOR APPLICANTS.

3

3

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

3

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

NOTICE OF DECISION
FORWARDING APPLICANT.

10

FOR

FOR APPLICANT.

FOR
FOR
FOR

FOR
FOR
FOR

APR 17 1902

REFER TO M. C. R. 94

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Ada Seeds et al for identification as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Ada Seeds.
Q What is your age? A Twenty-one.
Q What is your post-office address? A Chickasha.
Q How long have you lived in the Indian Territory? A Since 1894.
Q Have you been living here all the time since then? A Yes sir, in the nation.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas before coming to the Territory? A I came to Texas in 1888.
Q Where from? A Kentucky.
Q Were you born in Kentucky? A Yes sir.
Q Did you ever live in Mississippi? A No sir.
Q What is your father's name? A Joseph Johnson.
Q Is he living? A Yes sir.
Q Is he a Choctaw or a white man? A Choctaw.
Q What proportion of Choctaw blood does he claim to have? A Quarter.
Q Is his name on the Choctaw rolls? A No sir.
Q Has he ever been recognized by the Choctaw tribal authorities? A No sir.
Q What is your mother's name? A Mary.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Has your name ever appeared upon the Choctaw rolls? A No sir.
Q Have you ever been recognized by the Choctaw authorities as a Choctaw? A No sir.
Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Daves Commission in 1896? A No sir.
Q Did you apply in 1898, at Chickasha? A No sir.
Q Where did you apply in 1898? A I applied last year.
Q Where? A I was there at Durant to apply, but didn't.
Q You wasn't given a hearing at that time? A No sir.
Q Under which treaty do you claim? A I don't know anything about the treaties.
Q Do you claim under any particular treaty or under all the treaties? A I don't know anything about the treaties.
Q What makes you think you are a proper person to be identified as a Mississippi Choctaw? A My father says I am.
Q That is all you know about it? A Yes sir. He tells me he is a quarter.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did your ancestors, any of them? A No sir.
Q Did you ever claim or receive any land under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did your ancestors? A I don't know.
Q So far as you are concerned you know you did not? A No sir.
Q Are your children living with you? A Yes sir.
Q Their post-office address and residence has always been the same as yours? A Yes sir.
Q What is the name of their father? A Hiram Seeds.

Ada Seeds et al #2

Q Please give the names and ages of your children? A Cladis, born November 11th, 1896; Clyde Seeds, born June 28th 1898.

Q Is there any additional statement that you would like to make at this time regarding your case? A No sir.

Q Have you got any papers you would like to file with the commission? A Yes sir.

Note: Affidavit of Ada Seeds introduced in evidence, marked Exhibit "A" and placed on file.

Acting Chairman Bixby: It is stated in this affidavit that you wish to make especial reference to the original application of Joseph Johnson and others, with all the affidavits and exhibits thereto annexed, same being made a part hereof for reference. The other papers that you refer to in this affidavit will not be considered in this case.

Examined by Attorney Horton:

Q State whether you are a daughter of Joseph Johnson who made application for citizenship at this sitting of the Commission?

A Yes sir.

Acting Chairman Bixby: The commission is unable, from the evidence in this case, to identify you and your children as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28th 1898. The decision of the Commission, stating more fully its reasons for arriving at this conclusion will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 30 day of June 1900.


Acting Chairman

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ada Seeds and her two minor children for identification as Mississippi Choctaws.

The applicant, Ada Seeds, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and at that time made application for the identification of herself and her two minor children Cledus and Clyde Seeds as Mississippi Choctaws.

It appears from the evidence in this case that the names of the applicants, Ada Seeds and her two minor children have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of the Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicants given at the time of Ada Seeds's personal appearance before the Commission for examination, and written evidence submitted by her in support of this application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty,

The application for identification of Ada Seeds and her two minor children Gladus and Clyde Seeds as Mississippi Choctaws, is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muscogee, Indian Territory, October 1906.

Atoka, Indian Territory, May 17, 1901.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

This office is in receipt of your letter of May 15, in which you ask for the facts in the case of Ada Seeds, MCR 296, as shown by the records of this office.

In reply you are advised that the records in this case show that on June 18, 1900, at Colbert, Indian Territory, Ada Seeds, of Chickasha, Indian Territory, twenty one years old, whose father and mother are Joseph and Mary Johnson, applied for identification for her self and her minor children, Cledis and Clyde Seeds, as Mississippi Choctaws. She claims one eighth Choctaw blood; her testimony shows that she has lived in the Territory since 1894, and that before that she lived in Texas and Kentucky, having been born in Kentucky; she never lived in Mississippi. The name of the father of her children appears as Hiram Seeds, but no application is made for him. Her application is refused at that time and she is advised that a written decision, stating the reasons for this decision will be mailed to her. On October 1, 1900, such decision was mailed to her at Chickasha, and on December 3, 1900, the original papers in this case were transmitted to the Secretary of the Interior.

Yours truly,

John C. ...

Muskogee, Indian Territory, September 3, 1901.

Ada Seeds,

Chickasha, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and two minor children, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Tuesday, November 5th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 296.

Commissioner in Charge.

Atoka, Indian Territory, September 9, 1901.

The Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 6th, in which you ask for report on the application for identification as Mississippi Choctaws, of Ada Seeds et al., and also ask if the records show the name of her husband.

In reply to your letter you are advised that it appears from our records that on June 18th, 1900, Ada Seeds appeared before the Commission at Colbert, Indian Territory, and applied for identification of herself and two minor children, Cledis and Clyde, as Mississippi Choctaws. In the testimony given by her at that time, the name of her husband appears as Hiram Seeds.

On October 1st, 1900, decision was rendered in this case refusing this application. On December 3rd, 1900, the original record in this case was forwarded to the Secretary of the Interior. On May 17th, 1901, in reply to a letter from your Office of May 17th, the following report was made:

"You are advised that the records in this case show that on June 18, 1900, at Colbert, Indian Territory, Ada Seeds, of Chickasha, Indian Territory, twenty one years old, whose father and mother

are Joseph and Mary Johnson, applied for identification for herself and her minor children, Gladis and Clyde Seeds, as Mississippi Choctaws. She claims one eighth Choctaw blood; her testimony shows that she has lived in the Territory since 1894, and that before that she lived in Texas and Kentucky, having been born in Kentucky; she never lived in Mississippi. The name of the father of her children appears as Hiram Seeds, but no application is made for him. Her application is refused at that time and she is advised that a written decision, stating the reasons for this decision will be mailed to her. On October 1, 1900, such decision was mailed to her at Chickasha, and on December 3, 1900, the original papers in this case were transmitted to the Secretary of the Interior."

On August 1st, 1901, the Commissioner of Indian Affairs remanded to this Commission the record in this case, with instructions that opportunity be granted for the introduction of additional testimony in support of such application. On September 3rd, letter was prepared at this Office advising this applicant that additional testimony would be taken in her case at Atoka, Indian Territory, at nine o'clock A. M., on Tuesday, November 5th, 1901. At the same time letter was written advising the Attorneys of the Choctaw and Chickashaw Nations, and the Commissioner of Indian Affairs, of the date fixed for this hearing.

This is all that is shown by our records in this case.

Yours truly,

COPY.

Muskogee, Indian Territory, February 3, 1908.

Ada Seeds,

Chickasha, Indian Territory.

Dear Madame:

You are hereby advised that on the 29th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph Johnson, et al.,	M.C.R. 94
John S. Johnson, et al.,	M.C.R. 291
William Johnson,	M.C.R. 297
Lee Johnson,	M.C.R. 298
Mauda Long, et al.,	M.C.R. 461
Ada Seeds, et al.,	M.C.R. 296
David R. Johnson,	M.C.R. 240
Monroe Johnson, et al.,	M.C.R. 4079
Joseph E. Johnson,	M.C.R. 4080
Felix E. Johnson, et al.,	M.C.R. 4081
Alfred Johnson, et al.,	M.C.R. 4082
Martha A. Gordon, et al.,	M.C.R. 4083
John R. Gordon,	M.C.R. 4084
Isabell Stone, et al.,	M.C.R. 4085.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

A. S., N.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Joseph Johnson, Etta Johnson, Annie May Johnson, Everett Johnson, Falmadge Johnson, John S. Johnson, Ressie Elma Johnson, Johnnie Lee Johnson, Sterling Elbert Johnson, William Johnson, Lee Johnson, Maude Long, Evelyn Long, Ada Seeds, Cladis Seeds, Clyde Seeds, H. S. Seeds Jr., David R. Johnson, Monroe Johnson, Ray Johnson, Joseph E. Johnson, Felix B. Johnson, Mollie Johnson, Mary Johnson, Marguerite Johnson, Alfred Johnson, Felix Johnson, Ida Johnson, Maria Johnson, William Johnson, Martha A. Gordon, Immer Gordon, Ethel Gordon, Leo Bennett Gordon, Elbert Gordon, George Lawrence Gordon, John R. Gordon, Isabell Stone, Henry Luther Stone and Almer Munroe Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicant withdrawing the application made by John S. Johnson for the identification of his wife, Vera F. Johnson, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Monroe Johnson for the identification of his wife, Blanch Johnson, and the application made by Felix B. Johnson for the identification of his wife, Hattie Johnson, and the application made by Alfred Johnson for the identification of his wife, Jamie Johnson, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

A. S., 3.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamo Dixby.*

Acting Chairman.

M.C.R. 296.

Registered.

Miss. Choctaw R 296

Muskogee, Indian Territory, April 17, 1902.

Ada Seeds,

Chickasha, Indian Territory,

Dear Madam:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph Johnson, et al., of which decision you were advised by registered mail on the twenty ninth day of January, 1902.

Yours truly,

Acting Chairman.

Miss. Choctaw 1296.

Muskogee, Indian Territory, October 3, 1902.

W. M. Going,

Parcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 25, asking if "ary Seeds has got a right or not."

In reply to your letter you are informed that the only family of Seeds of whom we have any record is Ada Seeds, who appeared before the Commission as an applicant for the identification of herself and her minor children, Clodus, Clyde and W. S. Seeds, Jr., as Mississippi Choctaws. On February 3, 1902, the Commission rendered its decision refusing this application, and on April 3, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

Respectfully,

Acting Chairman.

MCR-296

Muskogee, Indian Territory, October 9, 1906.

Ada Seeds,

Chickasha, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 19, 1906, denied the motion filed in this office by J. O. Pool, attorney at law, Nocona, Texas, June 25, 1906, praying that the applicants in the consolidated Mississippi Choctaw case of Joseph Johnson et al. be enrolled as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

CHOCTAW. (Miss.) ($\frac{1}{8}$)

JUN 18 1900

Ada Seeds, (23)
Chickasha, I. T.

(Father) Joseph Johnson, ($\frac{1}{8}$) -
(Mother) Mary Johnson, (n.s.)

(Husband) Hiram Seeds.

4, Cledus, (1890)
2, Clyde, (1870)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colbert, I. T.
June 18, 1900

Ada Reeds et al

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW,

Case No *R*296

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. #

Evidence:

Cledis

Judgment:

Cledus

R. MANGELSDORF,

FOR IDENTIFICATION AS -
A MISSISSIPPI CHOCTAW. P#296
REFUSED.

*Ada Seeds it at
Judgment written.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.

FEB 1 1900

[Signature]

ACTING CHAIRMAN

*Refer to
McR #94*

37

61686	Indian Office.	1900
	271	

RECORD FORWARDED DEPARTMENT,
FEB 3 1902

Choctaw MCR 297

MCR 297

William Johnson

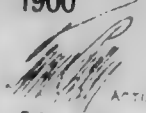
See MCR 94

NOTIFICATION AS TO
MISSISSIPPI CHOCTAW.

William Johnson
REFUSED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

OCT 1 1900



ACTING CHAIRMAN.

DECISION RENDERED JAN 24 1902

RECORD FORWARDED DEPARTMENT,

FEB 3 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEYS
FOR APPLICANTS

3

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

3

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 3 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 17 1902

REFER TO M. C. R. 94

P.O. Ardmore J.T. 10/1/00

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 13, 1900.

In the matter of the application of William Johnson for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby he testifies as follows:

- Q What is your name? A William Johnson.
Q What is your age? A Twenty-eight.
Q What is your post-office? A Oakland, I. T.
Q How long have you lived in the Indian Territory? A Since 1894.
Q Where did you come from to the Indian Territory? A Texas.
Q How long did you live in Texas? A Since 1888.
Q Where did you live before that? A In Kentucky.
Q Were you born in Kentucky? A Yes sir.
Q Did you ever live in Mississippi? A Never did.
Q What is your father's name? A Joseph Johnson.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does he claim to have in his veins? A One-fourth.
Q Has his name ever been on the Choctaw rolls? A Not that I know of.
Q Has he ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A I don't know.
Q What is your mother's name? A Mary Johnson.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q How much Choctaw Indian blood have you? A One-eighth.
Q Has your name ever been on the Choctaw Tribal rolls? A No sir.
Q Have you ever been recognized by the Choctaw authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw Indian? A Not individually, no sir. Father applied a year ago.
Q This is then your first application in person? A Yes sir. Except in person at Durant last year.
Q You were there at Durant? A Yes sir.
Q Did your father make application for you to the Dawes Commission in 1896? A No sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A I don't know anything about that.
Q Don't know anything about the treaties? A No sir.
Q You are not basing your claim then upon any particular treaty? A No sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A Not that I know of.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Any of your ancestors? A Not that I know of.
Q Is there anything else you would like to state in regard to your case at this time? A Nothing at all.
Q Have you got any papers? A Yes sir.

Note: Affidavit of W. J. Johnson offered in evidence, marked Exhibit "A" and made a part of the record.)
Acting Chairman Bixby: Mr. Johnson states in this application that he makes especial reference to the original application of Joseph Johnson and others, and same with all proof and exhibits annexed thereto are made a part hereof by reference. Papers introduced in the case of Joseph Johnson will not be considered as a part of this case.

William Johnson #2

The commission is unable from the evidence in this case to identify you as a Mississippi Choctaw claiming under the provisions of the Act of Congress of June 28th 1898. The decision of the Commission, stating more fully its reasons for arriving at this conclusion will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 3d day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Johnson for identification as a Mississippi Choctaw.

The applicant, William Johnson, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and at that time made application for the identification of himself as a Mississippi Choctaw.

It appears from the evidence in this case that the name of the applicant, William Johnson has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That his claim to recognition as a citizen of the Choctaw Nation is by reason of his rights to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of the Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony of the applicant given at the time of William Johnson's personal appearance before this Commission for examination, and the written evidence submitted by him in support of his application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of William Johnson on his own behalf as a Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muscogee, Indian Territory, Oct 11 1900.

Muskogee, Indian Territory, September 3, 1901.

Mr. William Johnson,

Remailed Jan 24 to Ardmore 75
Oakland, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Tuesday, November 5th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 297

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 3, 1902.

William Johnson,

Oakland, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph Johnson, et al.,	M.C.R. 94
John S. Johnson, et al.,	M.C.R. 291
William Johnson,	M.C.R. 297
Lee Johnson,	M.C.R. 295
Maude Long, et al.,	M.C.R. 461
Ada Seeds, et al.,	M.C.R. 296
David R. Johnson,	M.C.R. 240
Monroe Johnson, et al.,	M.C.R. 4079
Joseph E. Johnson,	M.C.R. 4080
Felix B. Johnson, et al.,	M.C.R. 4081
Alfred Johnson, et al.,	M.C.R. 4082
Martha A. Gordon, et al.,	M.C.R. 4083
John R. Gordon,	M.C.R. 4084
Isabell Stone, et al.,	M.C.R. 4085.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Joseph Johnson, Etta Johnson, Annie May Johnson, Everett Johnson, Talmadge Johnson, John S. Johnson, Rossie Elma Johnson, Johnnie Lee Johnson, Sterling Elbert Johnson, William Johnson, Lee Johnson, Maude Long, Evelyn Long, Ada Seeds, Cledis Seeds, Clyde Seeds, H. S. Seeds Jr., David R. Johnson, Monroe Johnson, Ray Johnson, Joseph E. Johnson, Felix B. Johnson, Mollie Johnson, Mary Johnson, Marguerite Johnson, Alfred Johnson, Felix Johnson, Ida Johnson, Maria Johnson, William Johnson, Martha A. Gordon, Immer Gordon, Ethel Gordon, Leo Bennett Gordon, Elbert Gordon, George Lawrence Gordon, John R. Gordon, Isabell Stone, Henry Luther Stone, and Almer Munroe Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicant withdrawing the application made by John S. Johnson for the identification of his wife, Nora F. Johnson, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Monroe Johnson for the identification of his wife, Blanch Johnson, and the application made by Felix B. Johnson for the identification of his wife, Hattie Johnson, and the application made by Alfred Johnson for the identification of his wife Janie Johnson, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

W. J., 3.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Samuel D. Dwyer

Acting Chairman.

M.C.R. 297.

Registered.

Miss. Choctaw R297

Muskogee, Indian Territory, April 17, 1902.

William Johnson,

Oakland, Indian Territory,

Dear Sir:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph Johnson, et al., of which decision you were advised by registered mail on the twenty ninth day of January, 1902.

Yours truly,

Acting Chairman.

Miss. Choctaw 10397

Muskogee, Indian Territory, October 30, 1902.

W. S. Varner,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 28, asking if the application of William Johnson for identification as a Mississippi Choctaw has been rejected by the Commission.

In reply to your letter you are advised that it appears from our records that on June 18, 1900, William Johnson, twenty eight years old, son of Joseph and Mary Johnson, made application to this Commission for identification as a Mississippi Choctaw. On January 29, 1902, the decision of the Commission refusing this application was rendered and on February 3, 1902, the record was forwarded to the Secretary of the Interior for review. On April 3, 1902, the Secretary of the Interior approved the action of the Commission in refusing said application. If this is not the William Johnson concerning whom you inquire, and you will give further information as to his full name, age and address, the matter will receive consideration.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 20, 1904.

William Johnson,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask that the Commission allow you to file the depositions of certain witnesses in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that on April 3, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for identification as a Mississippi Choctaw, of which departmental action you were notified on April 17, 1902, at Oakland, Indian Territory, your last known post office address.

The Commission now considers your case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

MCR-297

Muskogee, Indian Territory, October 9, 1906.

William Johnson,

Arbore, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1903, denied the motion filed in this office by J. O. Pool, attorney at law, Nocona, Texas, June 25, 1903, praying that the applicants in the consolidated Mississippi Choctaw case of Joseph Johnson et al. be enrolled as citizens by blood of the Choctaw Nation.

Respectfully,

Comptroller.

William Johnson.

Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No. R. 297

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCOTAW *R# 297*
REFUSED.

Williams Johnson

Judgment matters

DEPARTMENT OF THE INTERIOR,
COMM. TO THE FIVE CIVILIZED TRIBES.
RECEIVED AND COPY
MAILED
FEB 1 1902

ACTING CHAIRMAN

*Refers to
M.C.R. #914*

37

61036	Indian Office.	1900
	Incl. No. 223	

RECORD FORWARDED DEPARTMENT
FEB 3 1902

Choctaw MCR 298

MCR 298

Owen Knox Nabors

See MCR D. 10

MAY 17 1902

Wm Knox Harbo & et al.
REFUSED.

DECISION RENDERED

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.**

MAY 17 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

JUN 27 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

JUN 27 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

REFER TO M. C. R.

D. 10

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Owen Knox Nabors Jr. for himself and children for identification as Mississippi Choctaws; being sworn and examined by Acting Chairman Dixby he testifies as follows:

- Q What is your name? A Owen Knox Nabors, Jr.
Q What is your age? A Twenty-four.
Q What is your post-office address? A Harlow, I. T.
Q How long have you lived in the Indian Territory? A Since November 1893.
Q You came here in November 1893? A Yes sir.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas? A I lived in Texas from 1882 until 1893.
Q Where did you live before moving to Texas? A Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q Did you ever live in Mississippi? A Never did.
Q What is your father's name? A Owen Knox Nabors.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A He claims to be a Mississippi Choctaw.
Q What proportion of Choctaw Indian blood does he claim to have? A One-fourth.
Q Has his name ever been on the Tribal rolls of the Choctaw Nation? A Not that I know of.
Q Has he ever been recognized by the Tribal authorities as a Choctaw? A Not that I know of.
Q What is your mother's name? A Frances Nabors.
Q Is she living? A No sir.
Q Was she a white woman? A She was.
Q What proportion of Choctaw Indian blood do you claim to have? A One-eighth I suppose.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A Never has.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw? A Never did.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q This is your first application? A Yes sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A I know nothing about the treaties; I never read of them.
Q When did you first hear about the enrollment of Mississippi Choctaws? A I don't understand that question.
Q When did you first hear that there was a law providing for the identification of Mississippi Choctaws? A It has been since I have come to the territory; I don't remember.
Q Well, how many years ago? A I couldn't say.
Q Haven't you heard of it quite recently, this the first time you ever heard of it, of the identification of Mississippi Choctaws by the Dawes Commission? A Well, yes sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A I don't know anything about it.
Q Did any of your ancestors? A I know nothing about it.
Q You know whether you ever took advantage of it? A I know I didn't.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A Not that I know anything of.

Owen Knox Nabors Jr. #2

- Q Are you married? A Yes sir.
Q What is the name of your wife? A Dolly Nabors.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q When did you marry her? A In March, 1896.
Q Where? A At Marlow, I. T.
Q Do you wish to offer your marriage license and certificate?
A Yes sir.

Note: Marriage license and certificate relative to the marriage of O. K. Nabors Jr. to Dolly Harris, offered in evidence, marked Exhibit "A" and made a part of the record.)

- Q Do your children live with you? A Yes sir.
Q Their residence and post-office address has always been the same as yours? A Always been the same as mine.
Q What are the names and ages of your children? A Virgie Izetta, three years old; Howard James, two years old.
Q Is that all? A That is all.
Q Is there anything else you would like to state in regard to your case at this time? A I have no evidence to introduce; my father told me there was an agreement between you and him that he had a year to produce his evidence. Sometime this year in this case.
Q Where is your father? A At Marietta, Indian Territory.
Q When did he make that agreement? A He met the Dawes Commission about May the 8th.
Q Do you know Emma Nabors? A No sir, I might have known Emma Nabors, but I don't remember.
Q When do you expect to be able to file your papers? A Soon, sometime soon, I couldn't say.
Q Have you any papers here at all? A No sir.
Q You will be permitted to file your additional papers in the form of statements or affidavits, if furnished within a reasonable time.

Decision withheld in this case.

J. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

J. D. Green

Subscribed and sworn to before me this 30 day of July, 1900.


Acting Chairman.

298
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, December 2nd., 1901.

In the matter of the application of Owen Knox Nabors, Jr., for the identification of himself and his minor children, as Mississippi Choctaws. Henry Byington, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Henry Byington.

Q How old are you? A Fifty years old.

Q What is your post-office address? A Caddo, Indian Territory.

Q Are you acquainted with Owen Knox Nabors, Jr.? A No sir, I don't know him at all. I have seen him but I am not personally acquainted with him.

Q Did you on the 21st day of May, 1900, make a certain affidavit for Owen Knox Nabors to be filed by him in support of his application for identification as a Mississippi Choctaw in which you stated that in your office at Caddo, Indian Territory, you had the record made by the Court of Claims in the case of the Choctaw Nation of Indians against the United States and that such record showed that J. Brown et. al were Choctaw Indians living in Mississippi in 1830 at the time of the making of the treaty and that their names appear upon the rolls of Choctaw Indians in Mississippi in 1837 made in volume two, page 1403? A Yes sir, I did. I made that affidavit.

Q Is that your signature attached thereto? A Yes sir, my signature.

Q Did you make the statement herein contained from the records as cited by you in this affidavit? A It was intended for that.

Witness is now handed volume 2 of the record of the Court of Claims of the Choctaw Nation of Indians vs the United States open at page 1403.

Q Mr. Byington you now have before you that record. Is there anything in there to show that J. Brown or any of the persons appearing upon page 1403 of that record are Choctaw Indians? A I cant say they are Choctaw Indians.

Q What does the record show that to be a list of? A Some payment made to Indians under the treaty of September 27, 1830.

Q Does it say anything about any payment being made to any Indians? A No sir.

Q Aren't a great many names contained in that list the names of firms? A I don't know if they are.

Q Aren't they firm names? A I don't know anything about it.

Q Can't you look and see. Answer my question now. Take all through there and look at them. They are firm names aren't they?

A Yes sir.

Q Isn't it really a list of contractors who furnished goods to the United States government for the moving of the Choctaw Indians from Mississippi to the Indian Territory? A Yes sir, I think so.

Q Then what is your authority for stating that the name of J. Brown is the name of a Choctaw Indian living in Mississippi in 1830

Henry Byington 2-

at the time of the making of the treaty? A No authority.

Q When you made this affidavit why did you make such a statement? A I misunderstood this here.

Q You misconstrued it? A Yes sir.

Q Then your only record of J. Brown is that contained on page 1403 of the said record? A Yes sir.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission~~ers~~ to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 2nd day of December, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young:

Subscribed and sworn to before me this 2nd day of December, 1901.

Henry Byington:
Notary Public.

Knox. Nabors

Et al

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Owen Knox Nabors Jr.
and his two minor children for identification as Mississippi
Choctaws.

The applicant, Owen Knox Nabors Jr. appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and at that time made application for the identification of himself and his two minor children Virgie I. and Howard J. Nabors as Mississippi Choctaws.

It appears from the evidence in this case that the names of the applicants, Owen Knox Nabors Jr. and his two children have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicants given at the time of the personal appearance of Owen Knox Nabors, Jr. before the Commission for examination, and the written evidence submitted by him in support of this application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of Owen Knox Nabors, Jr. and his two children, Virgie I. and Howard J. Nabors, as Mississippi Choctaws, is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muscogee, Indian Territory, Oct. 11 1900.

Muskogee, Indian Territory, August 1, 1900.

Mr. George T. Putty,

Attorney at Law,

Marlow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 29th, in which you inclose evidence for filing in the case of Owen K. Nabors, and you are advised that the same has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 22, 1901.

Owen K. Nabors Jr.,

Marlow, Indian Territory

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor child, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-298

Acting Chairman.

M.S.R. 298

Muskogee, Indian Territory, May 17, 1902.

Owen Knox Nabors, Jr.,

Marlow, Indian Territory.

Dear Sir:-

You are hereby advised that on the 18th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Owen Knox Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Owen Knox Nabors, et al.,	M.C.R. 10
Owen Knox Nabors Jr., et al.,	M.C.R. 298
Frances Hollaman (or Hollams)	M.C.R. 299
Ida Price, et al.,	M.C.R. 300
Lucy E. Nabors,	M.C.R. 301
Toliver H. Nabors,	M.C.R. 303
Jabus Nathaniel Nabors,	M.C.R. 305
William Allen Nabors, et al.,	M.C.R. 306

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats. 493) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Owen Knox

Owen Knox Nabors, Jr.-----2

Nabors, Theodore Edgar Nabors, Mary Hesselstine Nabors, James Elmer Nabors, Virgie Maud Nabors, Owen Knox Nabors, Jr., Virgie Izetta Nabors, Howard James Nabors, Frances Hellaman (or Hollams) Ida Price, James H. Price, Owen W. Price, Francis E. Price, Lucile D. Price, Lucy E. Nabors, Toliver H. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors, and Lee Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

Muskogee, Indian Territory, June 27, 1902.

Owen K. Nabors, Jr.,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Know Nabors, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

Owen Knox Nabors Jr
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW, Case No. 278

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. # 298.

Evidence:
"Virgie Dettar"
"Howard James"

Judgment:
"Virgie D."
"Howard J."

R. MANGELORFF,

CHOCTAW. (Miss.) ($\frac{1}{8}$)

JUN 18 1900

Owen K. Nabors, (Jr)
Marlow, I.T.

(Father) Owen K Nabors. ($\frac{1}{4}$) -

(mother) Frances Nabors, (n.s) -

(Wife) Daller Nabors, ←

3. Virgie J.

2. Howard J.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colbert, I.T.
June 18, 1900.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

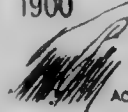
REFUSED. *P#298*

Oliver Knox Nabors Jr.

Judgment rendered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

OCT 1 1900



ACTING CHAIRMAN.

37

61036

Indian Office.

Incl. **275**

1900

Ex. 13. General

Choctaw MCR 299

Francis Hallams

MCR 299

See MCR 10

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW 299

Francis Hallams.
REFUSED.

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

MAY 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

D. 10

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Frances Hollaman for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Frances Hollaman.
Q What is your age? A Twenty-seven.
Q What is your post-office? A Taylor, Texas.
Q Did you ever live in the Indian Territory? A No sir.
Q How long have you lived in Texas? A Ever since 1882.
Q Where did you live before that? A Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q Did you ever live in Mississippi? A No sir.
Q What was your father's name? A Owen Knox Nabors.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A He claims to be.
Q What proportion of Choctaw blood does he have in his veins?
A A quarter I believe.
Q Has his name ever appeared upon the Tribal rolls? A No sir.
Q Have the Tribal authorities ever recognized ~~him~~ him as a Choctaw Indian? A No sir.
Q What is your mother's name? A Frances Nabors.
Q Is she living? A No sir.
Q She was a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim to have in your veins? A One-eighth.
Q Has your name ever been upon the Tribal rolls? A No sir.
Q Have you been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment?
A No sir.
Q Did you apply to the Dawes Commission in the year 1896?
A No sir.
Q Is this your first application? A Yes sir.
Q Under which treaty do you claim identification as a Mississippi Choctaw? A I don't know anything about the treaties.
Q Didn't you ever hear of this before? A No.
Q Did you ever hear of the Treaty of 1830? A Yes sir, I have heard of it, but I don't know anything about the treaties, I don't understand.
Q You don't know then whether or not you are claiming under any particular article of that treaty? A I think I claim under the 14th, I don't know.
Q Did you ever take advantage of the provisions of the 14th article? A No sir.
Q Did any of your ancestors? A No sir.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830?
A No sir.
Q Did any of your ancestors? A Not that I know of.
Q Is there any additional statement that you would like to make in regard to your case at this time? A No, not that I know of.
Q Have you got any papers you would like to file? A No sir.


The commission is unable from the evidence in this case to identify you as a Mississippi Choctaw claiming under the provisions of the Act of Congress of June 28th, 1898. The decision of the commission, stating more fully its reasons for arriving at this conclusion will be furnished you in writing, mailed to your present post-office address.

Frances Hollaman #12

M.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M.D. Green

Subscribed and sworn to before me this 30 day of July 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frances Hollams for identification as a Mississippi Choctaw.

-----oOo-----

The applicant, Frances Hollams, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and at that time made application for the identification of herself as a Mississippi Choctaw.

It appears from the evidence in this case that the name of the applicant, Frances Hollams has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her rights to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicant, Frances Hollans given at the time of her personal appearance before the commission for examination, for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of Frances Hollans, on her own behalf, as a Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muscogee, Indian Territory, Oct. 1, 1900.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

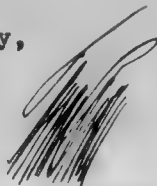
Muskogee, Indian Territory, October 1, 1900.

Frances Hollams,
Taylor, Texas,

Dear Madam:

There is inclosed you herewith a copy of the decision of
the Commission, denying your application for identification as a
Mississippi Choctaw.

Yours truly,



Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1901.

Frances Hallams,
Taylor, Texas.

Dear Madam:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-299

Acting Chairman.

Muskegee, Indian Territory, November 22, 1901.

Jabus W. Nabors,

Marlow, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

Lucy E. Nabors, Wm. Allen Nabors, et al.,
Owen K. Nabors Jr. et al., Ida Price et al.,
Frances Hallams,

you are informed that under dates of August 1st and 2nd, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Colbert, Indian Territory, on June 19, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskegee, Indian Territory, on Wednes-

J. N. N.--2.

day, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-299

Acting Chairman.

Muskogee, Indian Territory, May 17, 1902

Frances Hollaman (or Hollams),
Taylor, Texas.

Dear Madam:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Owen Knox Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Owen Knox Nabors, et al.,	M.C.R. 10
Owen Knox Nabors, Jr. et al.,	M.C.R. 298
Frances Hollaman (or Hollams)	M.C.R. 299
Ida Price, et al.,	M.C.R. 300
Lucy E. Nabors,	M.C.R. 301
Tolliver H. Nabors,	M.C.R. 302
Jabus Nathaniel Nabors,	M.C.R. 303
William Allen Nabors, et al.,	M.C.R. 306

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898(50 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in

Frances Hollaman-----2

this case is insufficient to determine the identity of Owen Knox Nabors, Theodore Edgar Nabors, Mary Hesselstine Nabors, James Elmer Nabors, Virgie Maud Nabors, Owen Knox Nabors Jr., Virgie Isetta Nabors, Howard James Nabors, Frances Hollaman (or Hollams), Ida Price, James H. Price, Owen W. Price, Francis E. Price, Lucile D. Price, Lucy E. Nabors, Toliver H. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors, and Leo Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

COPY.

M.C.R. 299

Washoe, Indian Territory, June 27, 1902.

Frances Holloway,
Taylor, Texas.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Knox Fabors, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

CHOCTAW. (Miss) $(\frac{1}{8})$

JUN 18 1900

Frances Hollams,
Taylor, Texas.

(Father) Onen K. Hobors (Sr.)

(Mother) Frances Hobors.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance, and
testimony, at Colbert, I. T.

June 18, 1900.

Francis Williams

Judge much matter

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT, RETURNED AND COPY
MAILED TO APPLICANT.

OCT 1 1900

[Signature]

ACTING CHAIRMAN.

38

61036	Indian Office.	1900
	Incl. No. 277	

Cx

Frances Hollams

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW. Case No. *R 277*

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. # 299.

Evidence:
"Hollaman"

Judgment:
"Hollams"

F. B. I. # 100-100000



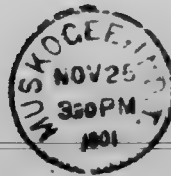
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 2 1902

[Handwritten signature]
Acting Commissioner



22

MC 249



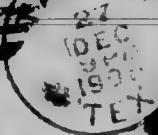
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for Private Use, \$300.



Transmitted.
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Killebrew

UNRECORDED.

W. G. Taylor
Texas

REGISTERED
NOV 19 1964
Muskogee Ind. Ter

Map 299

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Hoxmann.
Could not be
found.

RECEIVED
OCT 16 1900
Muskogee, Ind Ter

Mrs. Frances H. Williams,

REGISTERED
NOV 16 1900
TAYLOR, - TEXAS

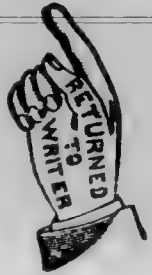
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TAYLOR, TEXAS

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Choctaw MCR 300

Ida Price

See MCR 10

MCR 300

MISSISSIPPI CHOCTAW

Ida Price et al.
REFUSED

DECISION RENDERED. MAY 17 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R.

D.10

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, INDIAN TERRITORY, JUNE 18TH, 1900.

In the Matter of the application of Ida Price and minor children for identification as Mississippi Choctaws., and she being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Ida Price.
Q How old are you? A Thirty-one.
Q Where do you live? A In Texas, Burdison County.
Q What is your Post-office? A. Hookerville.
Q You apply for identification as a Mississippi Choctaw?
A Yes sir.
Q Do you apply for any one besides yourself? A Yes sir, myself and children.
Q How long have you lived in Texas? A About seven-teen years.
Q Ever live in the Indian Territory? A No sir.
Q Where did you live before you went to Texas? A Arkansas.
Q Born in Arkansas? A. Yes sir.
Q Never lived in Mississippi? A. No sir.
Q What proportion of Choctaw blood do you claim? A One eighth.
Q What is your fathers name? A Owen Knox Neighbors.
Q Is he living? A. Yes sir.
Q White man or Indian? A Indian.
Q What proportion of Indian blood does he claim? A One fourth.
Q What kind of Indian? A Mississippi Choctaw.
Q Does he live in the Indian Territory? A. Yes sir.
Q What point? A Marlowe.
Q Chickasaw Nation? A I reckon it is.
Q How long has he lived there? A About seven years.
Q Does his name appear upon any Choctaw tribal rolls as a Choctaw Indian? A No sir.
Q Has he ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Does your name appear on any of the Choctaw tribal rolls?
A No sir.
Q Did you ever make application to the (any of the) Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you make application to the Dawes Commission in 1896?
A No sir.
Q You have never lived in the Indian Territory? A No sir.
Q What is your mother's name? A Francis Neighbors.
Q Is she living? A. No sir.
Q When did she die? A She has been dead twenty-two years I guess.
Q Was she a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim? A One eighth.
Q What is the name of your husband? A John H. Price.
Q Is he living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children? A Four.
Q What are their names and ages?
James H. Price, 12 years old; Owen W. Price, 9 years old; Francis E. Price, 7 years old; and Lucile D. Price, 2 years old.
Q The claim of your children has the same foundation as your own, has it? A Yes sir.
Q Where were you married? to your husband? A Burlison Co., Texas.
Q When? A In 1886.
Q Under what treaty do you claim as a Mississippi Choctaw?
A I do not know anything about the treaties.
Q You do not base your claim upon any particular article of any particular treaty then? A No sir; I do not know anything about them.
Q Do you base your claim upon the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
Q Did any of your ancestors? A No sir.

Q Did you ever claim or receive any land as beneficiary under the fourteenth article of the treaty of Dancing Rabbit Creek?

A No sir.

Did any of your ancestors? A No sir, not that I know any thing about.

Q If they had ever received any land, you would have been apt to have heard about it, would you not? A Yes sir.

Q You have never heard anything about it? A No sir.

Q Is there anything further with reference to your case that you desire to state at this time? A I heard my grand-mother and great grand father were on the rolls.

Q Have you any papers you desire to file at this time? A No sir.


A copy of the decision of the Commission, in writing, in reference to the claim of yourself and children for identification as Mississippi Choctaws, will be furnished you at a later date, mailed to you at your present Post-office address.

Certified copy of marriage license of J. H. Price to Ida Neighbors offered in evidence, marked Exhibit "A", filed, and made a part of the record in this case.

R. R. Cravens, being first duly sworn by Acting Chairman, Tans Bixey, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and complete transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 26th day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ida Price for identification of herself and on behalf of her four minor children as Mississippi Choctaws.

The applicant, Ida Price, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900 and from her oral testimony given at that time in her own behalf and on behalf of her four minor children for identification as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 26th, 1898, (Curtis Bill), and is as follows, to wit:

-2-

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Ida Price, on her own behalf and on behalf of her four minor children, James H., Owen W., Frances E., and Lucille D., is hereby refused.

BY THE COMMISSION.

Acting Chairman

Muskogee, Indian Territory, , 190 .

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1901.

Ida Price,

Hookerville, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and four minor children, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-300

Acting Chairman.

Muskogee, Indian Territory, December 8, 1901.

Ida Price,

Rockerville, Texas.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and four minor children, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 200.

Commissioner in charge.

Mar. 2, 1902

Indian Territory, Mar. 27, 1902.

Mr. E. J. Lee,

McMurryville, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Green Knox Nabors, et al., concerning the following applications for identification as Chickasaw Indians:

Green Knox Nabors, et al.,	M.C.R. 300
Green Knox Nabors Jr., et al.,	M.C.R. 301
Franklin Williams (or Williams),	M.C.R. 302
Ida Williams, et al.,	M.C.R. 303
Ida Williams,	M.C.R. 304
William E. Nabors,	M.C.R. 305
James Nathaniel Nabors,	M.C.R. 306
William Allen Nabors, et al.,	M.C.R. 307

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898 (30 Stats. 495) is as follows:

"Said Commission shall have authority to determine the identity of Chickasaw Indians claiming rights in the Chickasaw lands under article fourteen of the treaty between the United States and the Chickasaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary, which said report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in

Ida Price-----2

this case is insufficient to determine the identity of Owen Knox Nabors, Theodore Edgar Nabors, Mary Hesselstine Nabors, James Elmer Nabors, Virgie Maud Nabors, Owen Knox Nabors, Jr., Virgie Isetta Nabors, Howard James Nabors, Frances Hollaman (or Hollams) Ida Price, James H. Price, Owen W. Price, Francis E. Price, Lucile D. Price, Lucy E. Nabors, Toliver H. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors and Leo Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

Muskogee, Indian Territory, June 27, 1902.

Ida Price,

Hookerville, Texas.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Knox Mabers, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

Ida Price et al.
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW, *Case No. R. 300*

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

James Hermann Age 12
Owen Webster " 9
Francis Edna " 7
Lucille Demarian 2

MISSISSIPPI CHOCTAW

Name - Ida Price - 31 - Hooper, Texas.
 Curves - Choctaw
 not on rolls

Husband - John B Price

name

age

James B. - 12

Owen W. - 9


Francis E. (Jr) - 7

Lucille D. - 2

Child
 1.

Married under Texas law.

(Father) - ~~Owen~~ ^{Mr} Knox Neighbors
 (Mother) - Francis Neighbors - DEAD - U.S.



M.C.R. # 300.

Evidence:

"Francis"

"Lucille"

Judgment:

"Francis"

"Lucille"

My Texas
Dec 2. 1890.
Hookerville Texas.
Correct address
copy of this mail to
applicant at that
this date

ch D. B. in C. S. P. M. 1890

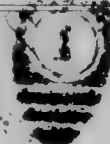
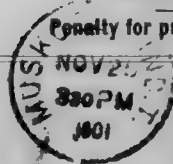
Ida Price
Hookerville
I. S.

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. 2300
REFUSED.

Ida Price et al

Judgment rendered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

[Signature]

ACTING CHAIRMAN.

61036	Indian Office. Incl. No. 279	1105
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Choctaw MCR 301

MCR 301

Lucy E. Nabors

See MCR 10

Lucy E. Nabors
REFUSED.

DECISION RENDERED. MAY 17 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

MAY 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

D.10.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of Lucy E. Nabors for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Pixby she testifies as follows:

- name
- Q What is your ~~name~~? A Lucy E. Nabors.
- Q What is your age? A Twenty-six.
- Q What is your post-office? A Marlow, I. T.
- Q How long have you lived in the Indian Territory?
- A I have been here for near seven months.
- Q Where did you live before coming to the Territory? A Texas.
- Q How long did you live in Texas? A I don't know, between twelve and eleven years.
- Q Where did you live before you moved to Texas? A Arkansas.
- Q Where you born in Arkansas? A Yes sir.
- Q Did you ever live in Mississippi? A No sir.
- Q What is your father's name? A Owen Knox Nabors.
- Q Is he living? A Yes sir.
- Q Is he a Choctaw Indian? A Yes sir.
- Q How much Choctaw Indian blood does he claim to have? A He claims one-quarter.
- Q Has his name ever appeared upon the Choctaw Tribal rolls?
- A No sir, he made application for us the first time about two months ago.
- Q He has never been recognized by the Tribal authorities as a Choctaw Indian has he? A No, that is his first application.
- Q What is your mother's name? A Frances D. Nabors.
- Q Is she living? A No sir, she is dead.
- Q She was a white woman? A Yes sir.
- Q How much Choctaw Indian blood do you think runs in your veins?
- A One-eighth.
- Q Your name has never been on the Choctaw Tribal rolls?
- A No sir, this is my first application.
- Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir this is my first application.
- Q You have never applied then to the Tribal authorities for enrollment? A No sir.
- Q And you did not apply to the Dawes Commission in 1896? A No sir.
- Q This is your first application? A Yes sir.
- Q Under which treaty do you claim? A I don't know; I don't know anything about them. I don't understand the treaties.
- Q Do you base your claim upon any certain treaty or upon all the treaties? A I don't know anything about them.
- Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
- Q Did any of your ancestors? A Not that I know of.
- Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No sir.
- Q Did any of your ancestors? A Not that I know of.
- Q Is there any additional statement that you would like to make in regard to your case at this time? A No sir, I have it all.
- Q Have you got any paper any you would like to file? A No sir.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw, claiming under the provisions of the Act of Congress of June 26th 1896. A copy of the decision of the Commission will be furnished you in writing, mailed to your present post-office address.

Lucy L. Nabors #2

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M.D.Green

Subscribed and sworn to before me this 30 day of July 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy E. Nabors for identification as a Mississippi Choctaw.

The applicant, Lucy E. Nabors, appeared before the Commission at Colbert, Indian Territory, June 18th, 1900, and at that time made application for the identification of herself as a Mississippi Choctaw.

It appears from the evidence in this case that the name of the applicant, Lucy E. Nabors has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her rights to be identified by this Commission as a Mississippi Choctaw.

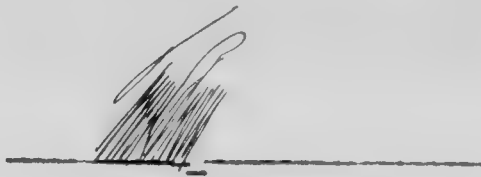
The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicant, Lucy E. Nacora, given at the time of her personal appearance before this Commission for examination, and the written evidence submitted by her in support of her application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of Lucy E. Nacora on her own behalf, as a Mississippi Choctaw, is hereby refused.

BY THE COMMISSIONER



Aotig Chairman.

Muscookee, Indian Territory, October 1901.

Muskogee, Indian Territory, November 22, 1901.

Lucy E. Habers,

Marlow, Indian Territory.

Dear madam:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-301

Acting Chairman.

Muskogee, Indian Territory, May 17, 1902.

Lucy E. Nabors,

Marlow, Indian Territory.

Dear Madam:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Owen Knox Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Owen Knox Nabors, et al.,	M.C.D. 10
Owen Knox Nabors Jr. et al.,	M.C.R. 298
Frances Hollaman (or Hollams)	M.C.R. 299
Ida Price, et al.,	M.C.R. 300
Lucy E. Nabors,	M.C.R. 301
Tolliver H. Nabors,	M.C.R. 303
Jabba Nathaniel Nabors,	M.C.R. 305
William Allen Nabors, et al.,	M.C.R. 306

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898 (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twentyseventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in

Lucy E. Nabors-----2

this case is insufficient to determine the identity of Owen Kneen Nabors, Theodore Edgar Nabors, Mary Kesseltine Nabors, James Elmer Nabors, Virgie Hand Nabors, Owen Kneen Nabors Jr., Virgie Inetta Nabors, Howard James Nabors, Frances Holloman (or Hollans) Ida Price, James H. Price, Owen W. Price, Francis E. Price, Lucile D. Price, Lucy E. Nabors, Soliver E. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors and Lee Nabors, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman

Muskogee, Indian Territory, June 27, 1902.

Lucy E. Habers,
Marlow, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Knox Habers, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

E. D. Wallace.

Commissioner in Charge.

CHOCTAW. (Miss.) (1/2)

JUN 18 1900

Lucy E. Nabors, (2)
Marlow, I. T.

(father) James K. Nabors, (1)
(mother) Frances Nabors, (15)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Calhoun, I. T.
6/18/1900.

Lucy E. Nabors
vs.
Choctaw Nation
Miss Choc Case No R 381

Original testimony and all papers filed in
this case forwarded Secretary of Interior,
December 3, 1900.

FOR THE CHIEF OF BUREAU

A MISSISSIPPI CHOCOTAW

REFUSED.

301

Suey E. Nabors

Judgment rendered.

DEPT. OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
AND COPY
ANT.

SEP 1 1900

[Signature]

ACTING CHIEF

128

	Indian Office.	1000
61036	Incl. No 25	1000

Ex. R.

Choctaw MCR 302

MCR 302

Leonard M. Bittick

See MCR 206

LEONARD M. BITTICK

REFER TO M. C. R. 206

DECISION RENDERED

REFUSED.

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 22 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 2 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

—000—

In the matter of the application of Leonard M. Bittick for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Birby, he testified as follows:

- Q What is your name? A Leonard M. Bittick.
- Q How old are you? A I am 29.
- Q What is your post office address? A Ryan, I. T.
- Q How long have you lived in the Indian Territory? A Since January 3 of this year.
- Q Where did you come from? A Texas.
- Q How long had you lived in Texas? A I was born in Texas and lived there all my life.
- Q Did you ever live in Mississippi? A No, sir.
- Q What is the name of your father? A Samuel G. Bittick.
- Q Is he living? A Yes, sir.
- Q Is he an indian or a white man? A He is a Choctaw indian, a Mississippi Choctaw.
- Q What proportion of Choctaw blood does your father claim to have? A 1/16.
- Q Has ~~this~~ name ever been on the tribal rolls of the Choctaw Nation? A No, sir.
- Q Has he ever been recognized by the tribal authorities as a Choctaw indian? A No, sir, he has never lived here until about 2 years ago.
- Q What is your mother's name? A Emily Ann.
- Q Is she living? A No, sir, she is dead.
- Q Was she a Choctaw indian or a white woman? A She was a white woman.
- Q What proportion of Choctaw blood do you claim to have? A 1/32.
- Q Has your name ever been on the Choctaw rolls? A No, sir.
- Q Have you ever been recognized by the tribal authorities as a Choctaw indian? A No, sir.
- Q Did you ever apply to the tribal authorities for enrollment as a choctaw? A No, sir.
- Q Did you apply to the Daves Commission in the year 1896? A No, sir.
- Q This is your first application? A There was an application made by my grandfather to the Daves Commission when it was sitting at Ardmore, in September, I believe 1898, two years ago this coming fall, but I didn't appear before the Commission.
- Q Under which treaty do you claim as a Mississippi Choctaw? A I claim under all the treaties that would bear in our case between the United States and the Mississippi Choctaw indians.
- Q You don't base your claim upon any one article of any particular treaty, but on the contrary claim under all the treaties? A Yes, sir, under all the treaties.
- Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A I can't say that I did.
- Q Did your ancestors?m A Not that I know of.
- Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the treaty of 1830? A No, sir.
- Q Did any of your ancestors? A Not that I know of.
- Q You are only claiming for yourself, are you? A Yes, sir.
- Q Is there anything that you would like to say in regard to your case? Have you any papers you would like to offer? A I have some papers, and in addition to that I would like for the Commission to hold their decision until I can file the affidavits of my grandmother and Mr. Nolan and another affidavit. Mr. Templeton was here and I think you promised him to make copies of the affidavits of Mary A. Bittick and Nolan, but they are not made and we would like to get them and file them with our papers.

Q There affidavits are in here? A Yes, sir, they are with the Commission.

(Papers introduced are affidavit of Leonard M. Bittick, Emelina Potate, marked Exhibit A and made a part of the record.)

The decision of the Commission is withheld.

XX

Since 6.30 am

the 29th of

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Leonard K. Bittick for identification as a Mississippi Choctaw.

The applicant appeared before the Commission at Colbert, Indian Territory, June 19th, 1900 and from his oral testimony given at that time in behalf of his claim for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That his claim to recognition as a citizen of the Choctaw Nation is by reason of his right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

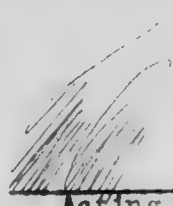
The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of his personal appearance before this Commission for examination, and the written evidence submitted by him in support of his application for identification as Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify him as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of Leonard M. Bittick on his own behalf, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory, Sept. 11 1900.

Muskogee, Indian Territory, November 14, 1901.

Leonard M. Pittick,

Ryan, Indian Territory.

Dear Sir:

~~In the matter of your application for identification~~
as a Mississippi Choctaw you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Friday, December 20, 1901, at eleven o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 302.

Acting Chairman.

COPY.

M. C. R. 302.

Mustang, Indian Territory, March 3, 1902.

Leonard M. Bittick,

Ryan, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel G. Bittick, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel G. Bittick, et al.,	M C R 206
Mary Ann Bittick,	M C R 3
Leonard M. Bittick,	M C R 302
Emil F. Bittick,	M C R 304
Mary L. Bittick,	M C R 308
John M. B. Williams, et al.,	M C R 980

Said decision, after a review of the evidence submitted, concludes as follows:

*The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

L. M. B. 22

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Samuel G. Bittick, Samuel W. Bittick, Ida B. Bittick, Yandell Q. Bittick, Mary Ann Bittick (deceased-), Leonard M. Bittick, Emil F. Bittick, Mary L. Bittick, John M. B Williams and Albert Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the dismissal by the Commission to the Five Civilized Tribes, of the application of Samuel G. Bittick for the identification of his wife, Alice Bittick, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tams Dixey.

ACTING
Commissioner in charge.

A.L.A.

Registered.

M. C. R. 302.

Muskogee, Indian Territory, May 2, 1902.

Leonard M. Bittick,

Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel G. Bittick, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

MEMORANDA.

JUN 9 1900

Name Leonard M. Bittick (1) Ryan, J. T.
 Choctaw? Miss County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? yes. (1/2) Mother's citizenship (N.S.)
 Intermarried citizen? _____
 Married under what law? _____
 License filed this day, _____
 Wife's name, _____
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____
 Intermarried citizen? _____
 Married under what law? _____
 License filed this day _____

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

*Personal appearance and
testimony at Colbert, J. T.
6/19/1900.*

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(Father) Samuel S. Bittick
 (Mother) Emily Ann Bittick

Leonard Pittick

P.S.

Choctaw Walton

Miss Choe Case No. R 30

Original testimony and all papers filed in
this case forwarded Secretary of Interior,

December 3, 1900

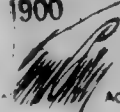
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
REFUSED. A 302

Samuel Pittier

Card 7-11-11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900



ACTING CHAIRMAN.

38

61036	Indian Office.	1900
	Incl. No. 283	

Ex B. Ingleton

Choctaw MCR 303

Toliver H. Nabors

MCR 303

See M.C.R. 10

CHOCTAW

Ever H. Nabors
REFUSED

DECISION RENDERED MAY 17 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

JUN 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

D. T. U

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

—o—

In the matter of the application of Oliver H. Nabors for enrollment as a Mississippi Choctaw: being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q What is your name? A Oliver H. Nabors.
- Q How old are you? A 39.
- Q What is your post office address? A Marlow, I.T.
- Q How long have you lived in the Indian Territory? A I have been making it my home for 7 years, but I haven't lived there all the time; ~~I left there ten months ago~~ I left there ten months ago about 4 years ago and I left there 2 1/2 months this time.
- Q Where did you come from to the Indian Territory? A Texas.
- Q How long had you lived in Texas? ~~I lived there about 22.~~
- A I moved there in 1892.
- Q Where from? A Arkansas.
- Q Were you born in Arkansas? A Yes, sir.
- Q What is your father's name? A Owen Nabors.
- Q Is he living? A Yes, sir.
- Q Is he a Choctaw indian? A He is a descendant.
- Q He claims to be a Choctaw? A Yes, sir.
- Q Is he claims to be a Choctaw isn't he a Choctaw? A He claims to be a descendant of a Choctaw.
- Q We don't attempt to designate his nationality or descent, I want to know what he claims to be, does he claim to be a Choctaw indian? A Yes, sir.
- Q What proportion of Choctaw blood does he claim? A 1/4.
- Q Has his name ever been on the Choctaw tribal rolls? A No, sir.
- Q Has he ever been recognized by the authorities of the tribe as a Choctaw indian? A No, sir, not that I know of.
- Q What is your mother's name? A Her name was Frances.
- Q Is she living? A No, sir.
- Q She was a white woman? A Yes, sir.
- Q What proportion of Choctaw blood do you think runs in your veins? A 1/8.
- Q Has your name ever been on the tribal rolls of the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the authorities of the tribe as being a Choctaw indian? A No, sir.
- Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw indian? A No, sir.
- Q Did you apply to the Dawes Commission in the year 1896? A No, sir.
- Q Is this your first application? A Yes, sir.
- Q Under which treaty do you claim to be a Mississippi Choctaw? A I don't know anything about the treaties at all.
- Q Do you mean by that that you claim under all the treaties or under some particular treaty? A I don't know anything about the treaties, my father applied here some two months ago, and I claim under the same as he does, but I don't know how he claimed.
- Q We want to know how you claim, you must make as a Mississippi Choctaw a claim for identification of some kind, the fact that you simply come here and state you are a Mississippi Choctaw would not be effective unless you can tell what your claim is. If you claim under all the treaties, that is all right, we will accept whatever statements you want to make.
- Q I guess I would claim under all the treaties that any other Choctaw would, but I don't know anything about the treaties.
- Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
- Q Did any of your ancestors? A Not that I know of.

Oliver H. Nabors - 2.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.

Q Did any of your ancestors? A No, sir, I don't think they did.

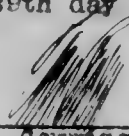
Q Is there any other statement in regard to your case you would like to make at this time? A No, sir.

Q Have you any papers you want to file? A No, sir.

The Commission is unable to from the evidence in this case to identify you as a Mississippi Choctaw claiming under the provisions of the Act of Congress of June 28, 1898. You will be furnished with a copy of the decision of the Commission in writing mailed to your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 29th day of June, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Toliver H. Nabors
for identification as a Mississippi Choctaw .

The applicant, Toliver H. Nabors, appeared before the Commission at Colbert, Indian Territory, June 10th, 1900, and from his oral testimony given at that time in behalf of his claim for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That his claim to recognition as a citizen of the Choctaw Nation is by reason of his right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 26th, 1898, (Curtis Bill), and is as follows, to wit :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior. Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotments. Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of his personal appearance before this Commission for examination, this Commission is of the opinion that the evidence ~~in this case~~ is not sufficient to enable the Commission to identify him as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of Toliver H. Nabors, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory, September 24, 1900.

Muskogee, Indian Territory, November 22, 1901.

Oliver K. Nabors,

Harlow, Indian Territory.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

Lucy E. Nabors, Wm. Allen Nabors et al.,
Owen K. Nabors Jr. et al., Ida Price et al.,
Frances Hallams,

you are informed that under dates of August 1st and 2nd, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such applications.

It appears from our records that at Colbert, Indian Territory, on June 19, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard

O. H. N.--2.

the testimony of such witnesses as may present themselves in person
in support of your application.

Yours truly,

Acting Chairman.

M.C.-303

Muskogee, Indian Territory, May 17, 1902.

Toliver H. Nabors,

Marlow, Indian Territory

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Owen Knox Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Owen Knox Nabors, et al.,	M.C.B. 10
Owen Knox Nabors Jr., et al.,	M.C.R. 298
Frances Hollaman (or Hollams)	M.C.R. 299
Ida Price, et al.,	M.C.R. 300
Lucy E. Nabors,	M.C.R. 301
Toliver H. Nabors,	M.C.R. 303
Jabus Nathaniel Nabors,	M.C.R. 305
William Allen Nabors, et al.,	M.C.R. 306

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898 (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

Toliver H. Nabors----- 2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Owen Knox Nabors, Theodore Edgar Nabors, Mary Hesselstine Nabors, James Elmer Nabors, Virgie Mand Nabors, Owen Knox Nabors Jr., Virgie Izetta Nabors, Howard James Nabors, Frances Hollaman(or Hollams), Ida Price, James H. Price, Owen W. Price, Francis E. Price, Lucile D. Price, Lucy E. Nabors, Toliver H. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors and Leo Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

M.C.R. 303

Muskogee, Indian Territory, June 27, 1902.

Toliver H. Nabors,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Knox Nabors, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

M. C. R. # 203.

Evidence:

"Oliver!"

Judgment:

"Soliver"

R. MANGELSDORF,

CHOCTAW, (Miss.) (1/2)

JUN 9 1900.

Oliver H. Nabors,
Marlow, I. T.

(Father) Owen K. Nabors, (1/2)

(Mother) Frances Nabors, (n.s.)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colbert, I. T.

June 19, 1900.

REFUSED. *P*[#] 303

2. *Leucophaea*

SEP 7 1900

ACTING CHAIRMAN

Choctaw MCR 304

MCR 304

Emil F. Bittick

See MCR 206

FOR IDENTIFICATION AND 1904
A MISSISSIPPI CHOCTAW.

Emile F. Bitter

REFER TO M. C. R. 206

REFUSED.

NOTICE OF DECISION MAILED APPLICANT

MAR 3 1902

NOTICE OF DECISION
FORWARDABLE ATTORNEY
FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED APPLICANT
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 22 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDABLE ATTORNEY FOR CHOCTAW AND

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDABLE ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 2 1902

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, June 19, 1900.
Indian Territory.

In the matter of the application for identification as a Mississippi Choctaw of Emil F. Bittick. Emil F. Bittick being first duly sworn by Acting Chairman, Bixby, testified as follows:

- Q What is your name? A Emil F. Bittick.
Q How old are you? A Twenty-three.
Q What is your postoffice address? A Ryan, I. T.
Q Do you live there? A Yes sir.
Q Do you maintain your home there and is that your place of business? A Yes sir.
Q What is your father's name? A S. G. Bittick.
Q Is he living? A Yes sir.
Q What is your mother's name? A Emma Bittick.
Q She living? A No sir.
Q Through which of your parents do you claim your Indian blood? A My Father.
Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Did he ever apply to the tribal authorities for enrollment? A Not that I know of.
Q Did he ever apply to the Commission to the Five Civilized Tribes in 1896? A I could not say whether he did or not.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, I guess not.
Q Did you ever apply to the tribal authorities for enrollment as a Choctaw citizen? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes, in 1896? A No sir.
Q Did anyone apply for you? A No sir.
Q This then, is the first application that you have ever made? A Yes sir.
Q You claim as a Mississippi Choctaw? A Yes sir.
Q Do you claim under the 14th Article of the Treaty of 1830. A No sir.
Q Do you know anything about it? A No sir, I don't.
Q You do not know whether you ever took advantage of the 14th article of that treaty do you? A No sir.
Q Do you know whether your ancestors ever took advantage of that article? A No sir, I don't.
Q Did you or any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Why, so far back as I know we did not.
Q You know you did not? A Yes sir, I did not and I know that my grand mother did not.
Q Do you claim under the 15th article of the treaty of 1830? A I don't know what that is.
Q Or the 19th? A I don't know.
Q Do you claim anything under the supplement of the treaty of Dancing Rabbit Creek. A I don't know.
Q You don't know anything about this treaty? A No sir.
Q Where do you live? A Ryan, I. T.
Q How long have you lived at Ryan? A Since fall before last.
Q Just when? A I am not sure just when I did move to the territory. I have lived with my father; he has been here two years.
Q How long have you been here? A I have been here ever since March 25th, last year.
Q March, 1899, is that correct? A Yes sir.
Q Where were you before coming to the Indian Territory. A Texas.

Emil F. Bittick -2-

Q You never made your home in the Indian Territory until March 25th, 1899? A Yes sir; my home has always been with my father.

Q When did your father remove to the Indian Territory? A He moved here summer before last; I think in August.

Q Where did he live before coming to the Indian Territory? A In Texas; born and raised in Texas.

Q He never lived in Mississippi? A No sir.

Q You make claim as a Mississippi Choctaw; on what do you base your claim for identification as a Mississippi Choctaw? A. Why, I base my claim on my grand mother, she was Mississippi Choctaw.

Q What do you mean by Mississippi Choctaw? A I don't know how to explain that myself.

Q Do you claim that your grand mother was a member of the tribe of Choctaw Indians in Mississippi? A Yes sir.

Q Do you know whether she was ever recognized by the Choctaw tribal authorities in Mississippi? A No sir, I do not.

Q Do you know, of your own knowledge, whether she was ever recognized as a Choctaw citizen? A No sir, I do not.

Q You only base your claim then on the fact that you have been informed that your grand mother was a Mississippi Choctaw? A My grand mother and my father.

Q You said your father never was in Mississippi? A No sir, he was not.

Q He then, could not have been recognized? A No sir.

Q What proportion of Choctaw blood do you claim to have? A One-thirtysecond.

Q Are you married? A No sir.

Q You have no children of course? A No sir.

Q Are there any additional statements that you desire to make at this time in regard to your case? A I would like to have my grand mother's evidence attached to my papers and have our claims together. I want to file copies of my grand mother's testimony with my case.

Q Are there any additional papers which you desire to submit at this time.

The application for identification and enrollment of Emil F. Bittick as a Mississippi Choctaw, and the affidavit of Emaline Percatie, offered in evidence, marked exhibit "A" and filed. Permission is also granted the applicant to file copies of testimony taken in the case of Mary A. Bittick, before this Commission as an applicant for identification as a Mississippi Choctaw, at Ardmore September 28th, 1898, provided the same is ~~is~~ filed during the session of the Commission at Colbert at this time.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing at your present postoffice address in the near future.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the foregoing and above is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of Aug, 1900

A. McElrath
Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW,

Emil F Pittman

mer
#304

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emil F. Bittick, for identification as a Mississippi Choctaw.

DECISION.

The record in this case shows that Emil F. Bittick appeared before the Commission at Colbert, Indian Territory, September 21, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Emil F. Bittick for identification as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.



Acting Chairman

FEB 20 1901

Muskogee, Indian Territory, March 9, 1901.

W. T. Nilson,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of letter of the 27th of February signed by you and J. K. Wilburn in which you desire to be informed if Dr. Frank Bitticks is enrolled.

You are informed that the records of the Commission do not show that any party by this name has been listed for enrollment as a citizen of either the Choctaw or Chickasaw Nations.

The records do show that Emil F. Bittick, 23 years of age of Ryan, Indian Territory, the son of S. G. and Emma Bittick, appeared before the Commission at Colbert, Indian Territory on June 19, 1900 and made application for identification as a Mississippi Choctaw. On February 20th, 1901, after a consideration of the testimony and evidence in the matter of such application, a decision was rendered by the Commission refusing the application of Emil F. Bittick for identification as a Mississippi Choctaw and a copy of such decision was on that date mailed to him at Ryan, Indian Territory.

If this is not the party concerning whom you desire information, and you will state his full name and age, the time and place he appeared before the Commission as an applicant and any other information that may enable the Commission to identify him as an applicant, the matter will be given further consideration.

Yours truly,

M. C. R-304

Acting Chairman.

Muskogee, Indian Territory, November 14, 1901.

Emil R. Pittick,

Ryan, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Samuel ⁴ Pittick, et al, Leonard M. Pittick and Mrs. T. Pittick, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the records then before forwarded the Department for approval with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in support of such applications. It appears from the records that you appeared before this Commission at Muskogee, Indian Territory on October 28, 1900 and applied for the identification of yourself and minor child as Mississippi Choctaws claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Friday, December 20, 1901 at eleven o'clock A. M. there will be heard the

E. F. B. 2. .

testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M. C. 308

Acting Chairman.

COPY.

M. C. R. 304.

Muskogee, Indian Territory, March 3, 1902.

Emil F. Bittick,

Ryan, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel G. Bittick, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel G. Bittick, et al.,	M C R 206
Mary Ann Bittick,	M C D 3
Leonard M. Bittick,	M C R 302
Emil F. Bittick,	M C R 304
Mary L. Bittick,	M C R 308
John M. B. Williams, et al.,	M C R 980

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

H. P. B. . . 2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Samuel G. Bittick, Samuel P. Bittick, Ida B. Bittick, Yandell Q. Bittick, Mary Ann Bittick (deceased), Leonard M. Bittick, Emil F. Bittick, Mary L. Bittick, John M. B. Williams and Albert Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the dismissal by the Commission to the Five Civilized Tribes, of the application of Samuel G. Bittick for the identification of his wife, Alice Bittick, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,
(SIGNED) *Tamc Dwyer*

Commissioner in Charge.

Registered.

A.A.

M. C. R. 304

Muskogee, Indian Territory, May 2, 1902.

Emil F. Bittick,

Ryan, Indian Territory.

Dear Madam:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel G. Bittick, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge

MEMORANDA.

(Date)

1899.

[illegible]

Choctaw? **County** **Year** **No.**

Chickasaw?	County	Year	Page
------------	--------	------	------

Citizen by blood?	Mother's citizenship
------------------------------------	---------------------------------------

Intermarried citizen?

Married under what law?

License filed this day, _____

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? .. Mother's citizenship 0 .. 11 ..

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County	Year	Page	No. . . .
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County	Year	Page	No.
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County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

3407-1901 W. T. Nils
I.T.

MC R 304 Emil F. Bitt

On June 19, 1900, Emil
Bittick, 23 years old,
Ryan, I.T. whose father is
S.G. Bittick and mother
Emma Bittick, appeared be-
fore the Commission at
Colbert I.T. and applied for
identification as a Miss-
issippi Choctaw. This is
the Frank Bittick inquired
about in letter of W.T. Nil-
son, it is thought. On
February 20, 1901, judgment
was rendered and copy mailed
to applicant.

Atoka, March 8, 1901.

AB

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW.

REFUSED.

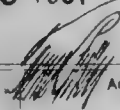
P. 304

Judgment Written Feb'y 6, 1901.
G.R.

Emil F. Pettien

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 20 1901



ACTING CHAIRMAN.

Choctaw MCR 305

Jabus N. Nabors

See MCR 10

MCR 305

MISSISSIPPI CHOCTAW

Jabus H. Nabors:
REFUSED.

RENDERED MAY 17 1902
NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

MAY 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

D 10

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 12, 1900.

In the matter of the application of Jabus N. Nabors for identification as a Mississippi Choctaw. Jabus N. Nabors being first duly sworn by Acting Chairman, Bixby, testified as follows:

- Q What is your name? A Jabus Nathaniel Nabors.
Q How old are you? A Twenty-three.
Q What is your postoffice address? A Marlow, I.T.
Q Do you live at Marlow? A Well, I have not lived there since 1895.
Q Do you live at Marlow? A No I don't Now.
Q Where do you live? A New Edenburg; don't just live there, I left there.
Q What is your father's name? A Owen K. Nabors
Q Is he living? A Yes sir.
Q What is your mother's name? A Frances Nabors.
Q Is she living? A No sir, she's dead.
Q Through which of your parents do you claim Indian blood? A My father.
Q Was he ever recognized by the Choctaw tribal authorities? A I think not.
Q Was his name ever upon the tribal rolls of the Choctaw Nation? A No sir.
Q Is your name upon the tribal rolls? A No sir.
Q Did you ever apply to the tribal authorities? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1900. A No sir.
Q This, then, is the first application that you have made, either to the authorities of the Choctaw Nation or of the United States for recognition as a Choctaw? A Yes sir.
Q You claim to be a Mississippi Choctaw? A Yes sir.
Q Do you claim under the 14th article of the treaty of 1830? A Well I don't know anything about the treaty.
Q Do you know anything of the 14th article? A No sir.
Q Do you know anything about the treaty of Dancing Rabbit Creek? A No sir.
Q Did you ever take advantage of the 14th article of the treaty of 1830? A No sir.
Q Did you or any of your ancestors ever take advantage of the 14th article of the treaty of 1830? A No sir.
Q Did you or any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not that I know of.
Q You know that you have not. A I have not.
Q Do you know whether your ancestors did? A No sir, I do not.
Q Do you claim under the 15th article of the treaty of 1830? A Why, I don't know anything about them.
Q If you don't know what they are it would not be well to bring a claim under them? A No sir.
Q Do you claim under the 19th article of the treaty of 1830? A I claim under the same as my father did.
Q What do you claim? A I claim it all.
Q Do you claim under the supplement to the treaty of 1830? A I don't understand what that is.
Q Where do you live? A New Edenburg, Arkansas.
Q Have you ever lived in Indian Territory? A Yes sir.
Q When? A In 1895.
Q How long did you live here then? A About eight months.

Jabus N. Nabors -2-

Q Was that the first time you ever lived in the Indian Territory?

A Yes sir.

Q And you lived here eight months? A Yes sir.

Q When you came herein 1895 you remained eight months? A Yes sir and went to Texas and Arkansas, I have no home and make my home with my father but I don't stay there.

Q Before coming to the Territory in 1895 where did you live? A In Arkansas.

Q How long did you live there? A I was raised and born in Arkansas.

Q Did your father come from Mississippi to Arkansas? A I don't know, I think he was born in Mississippi.

Q Do you know whether he did? A No I don't.

Q Do you know whether your father or his parents were ever recognized as Choctaw Indians? A No sir, I don't.

Q You know nothing about his people? A No sir, I don't.

Q On what then do you base your claim to identification as a Mississippi Choctaw. A I have always been informed that I was part blood, one-eighth, and my father was before the Commission at Muskegee and if I understand right he could appear here also and file application.

Q Are there any additional statements you desire to make at this time in regard to your case? A No sir.

Q Are there any papers, affidavits or other written testimony that you desire to submit to the Commission at this time? A No sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, giving the reasons for its action, will be mailed to you in writing at your present postoffice address in the near future.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the above and foregoing is a true, full and complete transcript of his stenographic notes in said case.

A. McElrath

Subscribed and sworn to before me this 14 day of April, 1900.


Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Salus N. Habers

WMA
H-305

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jabus Nathaniel Nabors,
for identification as a Mississippi Choctaw.

DECISION.

The record in this case shows that Jabus Nathaniel Nabors,
appeared before the Commission at Colbert, Indian Territory, June
19, 1900, and there made application for identification as a
Mississippi Choctaw.

The only legislation vesting this Commission with authority
to determine the identity of Choctaw Indians claiming rights in
the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September
twenty seven, eighteen hundred and thirty, is found in Section
twenty one of the Act of Congress approved June 28, 1898, (Public
No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity
of Choctaw Indians claiming rights in the Choctaw lands under ar-
ticle fourteen of the treaty between the United States and the
Choctaw Nation, concluded September twenty seven, eighteen hundred
and thirty, and to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and report to the
Secretary of the Interior."

After considering the application of the claimant, and upon a
careful review of all evidence in support thereof, this Commission
is of the opinion that the proof is insufficient to warrant the
identification of the applicant as a Mississippi Choctaw entitled
rights in the Choctaw lands under article fourteen of the treaty
between the United States and the Choctaw Nation, concluded Septem-
ber twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-
mission that the application of Jabus Nathaniel Nabors for iden-
tification as a Mississippi Choctaw, be, and the same is, hereby
refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Muskogee, Indian Territory. FEB 2 1901

Muskogee, Indian Territory, May 17, 1902

Jabus Nathaniel Nabors,

Marlow, Indian Territory.

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Owen Knox Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Owen Knox Nabors, et al.,	M.C.D. 10
Owen Knox Nabors Jr., et al.	M.C.R. 298
Frances Hollaman (or Hollams)	M.C.R. 299
Ida Price, et al.,	M.C.R. 300
Lucy E. Nabors,	M.C.R. 301
Toliver H. Nabors,	M.C.R. 303
Jabus Nathaniel Nabors,	M.C.R. 305
William Allen Nabors, et al.,	M.C.R. 306

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898 (30 Stats. 493) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Owen Knox

Jabus W. Nabors-----2

Nabors, Theodore Edgar Nabors, Mary Hesselstine Nabors, James Elmer Nabors, Virgie Maud Nabors, Owen Knox Nabors Jr., Virgie Izetta Nabors, Howard James Nabors, Frances Hollaman (or Hollams) Ida Price, James H. Price, Owen W. Price, Francis E. Price, Lucile D. Price, Lucy E. Nabors, Toliver H. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors and Leo Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

COPY.

M.C.R. 305

Muskogee, Indian Territory, June 27, 1902.

James W. Mahors,

Barlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission regarding the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Knox Mahors, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

SIGNED:

E. I. Medico.

Commissioner in Charge.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children

County

Year

Page

No.

County

Year

Page

No.

County

Year

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No.

County

Year

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No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. *P#* 305
REFUSED.

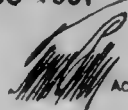
Jabus H. Nabors

Judgment Written Feb'y 6, 1901.
G.R.

Judgment rendered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 20 1901



ACTING CHAIRMAN.

Choctaw MCR 306

MCR 306

Wm Allen Nabors

See MCR 10

FOR IDENTIFICATION ASB. 306
A MISSISSIPPI CHOCTAW

Wm Allen Nabors et al.
REFUSED.

DECISION
NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

**NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS**

MAY 17 1902

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.**

PROSECUTOR GENERAL DEPARTMENT.

MAY 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

JUN 27 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.**

JUN 27 1902

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

REFER TO M. C. R.

D. 14

me. 1306

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

In the matter of the application of William Allen Nabors for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q What is your name? A William Allen Nabors.
Q How old are you? A I am 53.
Q What is your post office address? A Falkner, Texas.
Q How long have you lived in Texas? A I have lived in Texas ever since 1882.
Q Did you ever live in Mississippi? A No, sir.
Q Did you ever live in the Indian Territory? A No, sir.
Q What is the name of your father? A O. K. Nabors.
Q Is he living? A Yes, sir.
Q Is he a Choctaw indian? A Yes, sir, 1/4.
Q Was his name ever on the Choctaw rolls? A No, sir.
Q Has he ever been recognized by the tribal authorities as a Choctaw indian? A No, sir.
Q What is the name of your mother? A Frances Nabors.
Q Is she living? A No, sir.
Q Was she a white woman? A Yes, sir.
Q How much Choctaw blood do you claim? A 1/8.
Q Has your name ever been on the Choctaw tribal rolls? A No, sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw indian by blood? A No, sir.
Q Did you ever apply to the tribal authorities for enrollment as a Choctaw indian? A No, sir.
Q Did you apply to the Dawes Commission in the year 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q Under which treaty do you claim as a Mississippi Choctaw? A I don't know anything about the treaties, I am not posted.
Q Did you ever take advantage of the 14th article of the Treaty of 1830? A No, sir.
Q Did any of your ancestors? A Not that I know of.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q Did any of your ancestors? A Not that I know of.
Q What is your wife's name? A Jennie Nabors.
Q Where did you marry her? A Eastland County, Texas.
Q Do you wish to offer your marriage license and certificate in evidence? A I sent for them, but they haven't come.
Q Do the children live with you? A Yes, sir.
Q Their post office address has always been the same as yours? A Yes, sir.
Q What are their names and ages? A William Forest is 5, Lucile Fern is 3, and Leo is 1.
Q Is there any additional statement in regard to your case you would like to make at this time? A No, sir.
Q Are there any papers you would like to file? A No, sir.

The Commission is unable from the evidence in this case to identify you and your children as Mississippi Choctaws claiming under the Act of Congress of June 28, 1898. A copy of the decision of the Commission will be furnished you in writing, and mailed to your present post office address.

A My post office will be Marlow from this time.

William Allen Nabors - 2.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 29th day of June, 1900..


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Allen Nabors for identification of himself and three minor children as Mississippi Choctaws.

6-----

The applicant, William Allen Nabors, appeared before the Commission at Colbert, Indian Territory, June 19th, 1900 and from his oral testimony given at that time in behalf of his own claim for identification as a Mississippi Choctaw and a claim that he makes for his three minor children as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 23th, 1896, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."


The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement with the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of William Alden Nabors, on his own behalf and on behalf of his three minor children, William T., Lucy R. and Lee Nabors, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Wiskogee, Indian Location, September 25th, 1900.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

M^uscogee, Indian Territory,

September 6th, 1900.

William Allen Nabors,

Falkner Texas.

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children William T., Lucy F. and Leo Nabors for identification as Mississippi Choctaws, before the Commission at Colbert, Indian Territory, June 19th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,


Acting Chairman.

M. C. R.-306 .
Enc.
Registered mail.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1901.

Wm. Allen Nabors,
Falkner, Texas.

Dear Sir:

In the matter of the application for identification as Mississippi Cheetaws of yourself and three minor children, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, January 8, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-306

Acting Chairman.

Muskogee, Indian Territory, May 17, 1902.

William Allen Nabors,

Marlow, Indian Territory.

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Owen Knox Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Owen Knox Nabors, et al.,	M.C.D. 10
Owen Knox Nabors Jr., et al.,	M.C.R. 298
Frances Hollaman (or Hollams)	M.C.R. 299
Ida Price, et al.,	M.C.P. 300
Lucy E. Nabors,	M.C.R. 301
Tolliver H. Nabors,	M.C.R. 303
Jabus Nathaniel Nabors,	M.C.R. 305
William Allen Nabors, et al.,	M.C.R. 306

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898 (30 Stats. 395) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Owen Knox

William Allen Nabors-----2

Nabors, Theodore Edgar Nabors, Mary Hesselstine Nabors, James Elmer Nabors, Virgie Maud Nabors, Owen Knox Nabors Jr., Virgie Izetta Nabors, Howard James Nabors, Frances Hollaman (or Hollams), Ida Price, James H. Price, Owen W. Price Francis E. Price, Lucile D. Price, Lucy E. Nabors, Toliver H. Nabors, Jabus Nathaniel Nabors, William Allen Nabors, William Forest Nabors, Lucile Fern Nabors and Leo Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman

COPY.

A.C.R. 506

Lawdogon, Indian Territory, June 22, 1902.

William Allen Nabors,

C/o Owen Knox Nabors, Sr.,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Owen Knox Nabors, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Wm. H. Medley.

Commissioner in Charge.

10

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

CHOCTAW. (Miss.) ($\frac{1}{8}$)

JUN 19 1900

Mrs. Allen Nabors, (33)
Falkner, Texas.

(Father) Omer K. Nabors. ($\frac{1}{4}$) -
(Mother) Frances Nabors. Dead.

(Wife) Jennie Nabors. (no)

(Child dead)

5. William J.
3. Lucy F.
1. Leo.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colburn, I.T.

June 19, 1900. REFUSED


W^m. Allen Nabers et al.

Choctaw^{vs.} Nation

Mississippi Choctaw Case No. R. 306

Original testimony and all papers filed in
this case forwarded Secretary of Interior.

December 3, 1900

REFUSED.

Am. Allen Habrecht

J
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 7 1900

[Signature]
ACTING CHAIRMAN.

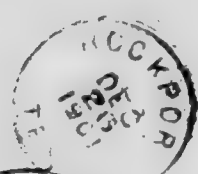
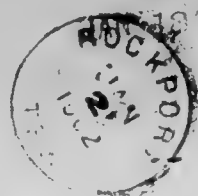
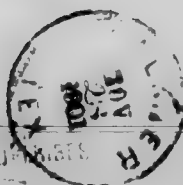
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DEPARTMENT OF
COMMISSION TO THE

FILE



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A. Turner
Falkner

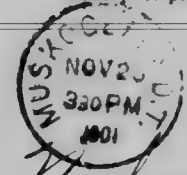
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Handwritten address:
Mr. Wm Allen Habor
Falkner,
Texas.

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Muskogee Ind Ter

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED
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Muskogee, Ind. Ter.

Reg no 62
62

Mr. William Allen Nabors,
Marlow,

Indian Territory.

DEPT. OF THE INTERIOR
FIVE CIVILIZED TRIBES
1900

M. C. R. # 306.

Evidence:
"William Forest."
"Lucile Fern"

Judgment:
"William F."
"Lucy F."

F. M. M. C. R.

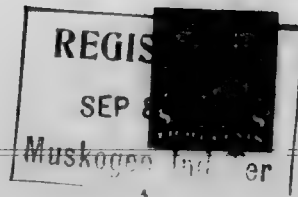
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



William Allen Nabors,

Falkner,

Texas.

*This judgment
returned unclaimed, but remanded to
Marlow, Ind. Ter.*

Choctaw MCR 307

Geo. W. Barnett

MCR 307

MISSISSIPPI CHOCTAW R. 307

Geo. W. Barnett et al

REFUSED

DECISION RENDERED

NOTICE OF DECISION MAILED

APR 26 1902

NOTICE OF DECISION MAILED AT
FOR CH

RECORD FORWARDED DEPARTMENT

APR 26 1902

ACTION APPEAL

MAY 2 1902

NOTICE OF DECISION
ACTION APPEAL

NOTICE OF DECISION
ACTION APPEAL

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H. TAY

Geo. W. Barrett
et al. MCR 307.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

—o—

In the matter of the application of George W. Barnett for the enrollment of himself and child as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q What is your name? A George W. Barnett.
- Q What is your age? A I am 38 years old.
- Q What is your post office address? A Elmo, I.T.
- Q How long have you lived in the Indian Territory? A 4 years.
- Q Where did you come from? A Texas.
- Q Where had you lived before you came to Texas? A I came from Kentucky to Texas.
- Q Do you know anything about the Goebel election law? A No, sir, I don't know anything about any law.
- Q How long since you left Kentucky? A 10 or 12 years.
- Q Were you born there? A Yes, sir.
- Q Have you ever lived in Mississippi? A No, sir.
- Q What is the name of your father? A William R. Barnett.
- Q Is he living? A No, sir, he is dead.
- Q Was he a white man? A Yes, sir.
- Q What is your mother's name? A Millie Barnett.
- Q Is she living? A No, sir.
- Q Was she a Choctaw indian? A Yes, sir, she was, claimed 1/3.
- Q Was her name on the Choctaw rolls? A Not that I know of.
- Q Why not? A She died when I was just 11 years old, and I don't know anything about her at all.
- Q Was she ever recognized by the Tribal authorities as being a Choctaw indian? A Not that I know of.
- Q What proportion of Choctaw blood do you claim to have? A I claim 1/4.
- Q Has your name ever been on the tribal rolls? A Not that I know of; I know my name never was.
- Q Have you ever been recognized by the tribal authorities as a Choctaw indian? A No, sir.
- Q Did you ever apply to the tribal authorities for enrollment as a Choctaw indian? A No, sir, only by letters I receive from the Commission at Muskogee.
- Q I am talking about the Tribal authorities, did you ever apply to them? A No, sir, I never did.
- Q When did you first apply to the Dawes Commission? A I have got the letters, it was about a couple of months ago.
- Q You didn't apply in 1896? A No, sir.
- Q Under which treaty do you claim as a Mississippi Choctaw? A I claim under all the treaties.
- Q All the treaties ever made between the Choctaw indians and the United States? A Yes, sir.
- Q Do you claim under all the treaties made between the Choctaws and the Chickasaws? A No, sir.
- Q You don't claim then under any one certain treaty? A No, sir.
- Q Did you ever take advantage of any of the treaties? A No, sir.
- Q Do you claim under the Atoka Agreement? A I don't know anything about that.
- Q Did you ever take advantage of the 14th article of the Treaty of 1830? A No, sir.
- Q Did any of your ancestors? A Not that I know of.
- Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the treaty of 1830? A No, sir.
- Q Did any of your ancestors? A No, sir.
- Q What is the name of your wife? A Sarah Emily.
- Q How old is she? A 30 years old.
- Q Where did you marry her? A In Kentucky.

George W. Barnett - 2.

Q Have you got your license and certificate? A No, sir.

Q Do your children live with you? A Yes, sir.

Q Their residence and post office address always been the same as yours? A Yes, sir.

Q What is the name and age of your child? A Lee, he is 9 years old.

Q Is there anything else that you would like to state in regard to your case? A No, sir.

Q Have you got any papers you want to file? A No, sir, I might have some later on.

Q I want to know whether you will file them or not? A Yes, sir, I want to do so later on.

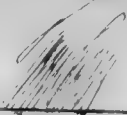
Q When? A In a short time, a month or such a matter.

The decision of the Commission will be furnished you in writing and mailed to your present post office address.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true, and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 28th day of June, 1900



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George
W. Barnett, et al., for identification as
Mississippi Choctaws-----M.C.R. 307

Original application of George W. Barnett before the Dawes Commission for identification as Mississippi Choctaws	Page 1
Decision of the Commission refusing the application of George W. Barnett for the identification of himself and his minor child, as Mississippi Choctaws	3
Copy of letter of the Commission to George W. Barnett transmitting above decision.	5
Registry receipt.	
Copy of letter of the Commissioner of Indian Affairs to the Dawes Commission, remanding this application for further hearing	7
Copy of letter of the Commission to the Commissioner of Indian Affairs notifying him of the re-hearing to be had in this case on March 5, 1908	8
Copy of letter of the Commission to Mansfield, McMurray and Cornish of like import	9

Copy of letter of Commission to George W. Barnett, of like import	10
Transcript of proceedings has at the re-hearing at Muskogee, Indian Territory, March 5, 1902	11
Final decision of the Commission refusing the applica- tions of George W. Barnett et al., for identification as Mississippi Choctaws	12

9th.
C. v. W.
40th C.B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George W.
Barnett, for the identification of himself and
his minor child Lee Barnett, as Mississippi
Choctaws----- M.C.R. 307

----- D E C I S I O N -----

The record in this case shows that on June 19, 1900,
George W. Barnett appeared before the Commission at Colbert, Indian
Territory and there made personal application for the identification
of himself and his minor child, Lee Barnett, as Mississippi
Choctaws, claiming to be descendants of Choctaw Indians who resided
in the state of Mississippi in 1830, and took advantage of the
provisions of article fourteen of the treaty made between the United
States government and the Choctaw tribe of Indians, concluded
September 27, 1830, and known as the treaty of "Dancing Rabbit Creek".
The principal applicant claims descent from Millie Barnett, an
alleged half blood Choctaw woman who married William R. Barnett,
and who are the parents of this applicant.

The record in this case further shows that the principal applicant, George W. Barnett, and his minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The only evidence offered in this case is the unsupported oral statement of the principal applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1842 and that for four years prior to the making of his original application, had been a resident of Indian Territory, and claims to be an one quarter blood Choctaw. He does not attempt to trace his alleged Choctaw descent any farther back than to his mother, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record in this case shows that on September 8, 1900, there was forwarded by the Commission to the principal applicant herein, a written decision refusing the application which he had made for the identification of himself and his minor child as Mississippi Choctaws. On December 3, 1900, the record in this case was forwarded to the Secretary of the Interior for review, and on July 27, 1901, the Commissioner of Indian Affairs, acting under the

instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Secretary of the Interior in this application for further hearing.

In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on January 24, 1902, notified the principal applicant herein and Messrs. Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, that on Wednesday, March 5, 1902, at eleven o'clock A.M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there would be heard the testimony of such witnesses as might present themselves before the Commission in this application.

On March 5, 1902, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, this case was called for hearing and no appearance was made by the applicants herein or by the attorneys for the Choctaw and Chickasaw Nations.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal applicant, wherein it is attempted to be shown that he derives his alleged Choctaw blood from his mother. It cannot be determined from his testimony which of his alleged Choctaw ancestors were living in Mississippi as recognized members of the Choctaw tribe of Indians in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In view of the fact that the principal applicant does not give the names of any of his alleged ancestors other than that of his mother, the Commission is unable to search among its records of those persons who did comply

or attempted to comply with the provisions of article fourteen of the treaty of 1830, except for the name of the mother of the principal applicant, and it does not appear from said records that any person bearing the name of Millie Barnett, the remotest known alleged Choctaw ancestor of these ancestors, ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen of the treaty of 1830, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims. Neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case, any other persons claiming descent or any rights, as Choctaw Indians through Millie Barnett, the alleged ancestor of the principal applicant herein.

The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898, (30-Stats 495) is as follows:

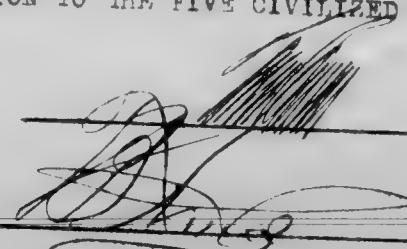
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of George W. Barnett, and Lee Barnett as Choctaw Indians entitled to

-8-

rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


C. R. McKim
Commissioner

Muskogee, Indian Territory

APR 15 1902

COPY

Refer in reply
to the following:
Land
25550-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith papers in the matter of the application of Geo. W. Barnett, et al., for identification as Mississippi Choctaws, forwarded with the report of the Commission to the Five Civilized Tribes dated April 26, 1902. The Commission's decision was adverse to the applicants.

A careful examination of the records of this office shows that none of the persons claimed to be the ancestors of the applicants received the benefits of the XIVth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

WCV
D

3 inclosures.

COPY

D. C. No. 9080-1902.

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R

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2834-1902.
File 896-1898.

May 23, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On April 26, 1902, you transmitted the record in the application of George W. Barnett for the identification of himself and his minor child, Lee Barnett, as Mississippi Choctaws.

In your decision of April 15, 1902, rejecting said application, you state that the principal applicant claims Choctaw descent from his mother, Millie Barnett, an alleged half blood Choctaw woman; that he does not attempt to trace his descent any further back than his mother, and that he does not show that any of his ancestors were ever recognized by the tribal authorities of the Choctaw Nation as members of that tribe in the State of Mississippi.

You further state that the record shows that the principal applicant and his minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of said nation in your possession, nor have they

ever been admitted to Choctaw citizenship by a duly constituted court or committee of said nation, or by your Commission, or by a decree of the United States Court in Indian Territory under the provisions of act of June 10, 1896 (29 Stat., 521).

You furtherstate that there is nothing in the evidence offered or in the records in the possession of your Commission tending to show that any of the ancestors of said applicants ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or presented their claims as beneficiaries under said article to either of the commissions authorized by acts of Congress of March 3, 1837 (5 Stat., 180)), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. See opinion of the Assistant Attorney General of December 3, 1901, approved by the Department.

The Acting Commissioner of Indian Affairs forwarded said application on May 3, 1902, stating that a careful examination of the records in the Indian office shows that none of the persons claimed to be the ancestors of the applicants received the benefits of the said fourteenth article, and he recommends that your decision be affirmed.

The Department concurs in said recommendation, and your decision in rejecting said application is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

RM

1 inclosure.

REFER TO M. O. R. 307

George W. Barnett
et al

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----cOo-----

In the matter of the application for identification
as Mississippi Choctaws of George W. Barnett et al., M.C.R.307.

George W. Barnett the principal applicant in this case, applies for the identification as Mississippi Choctaws of himself and minor child, Lee Barnett, claiming that he is possessed of one quarter Choctaw blood which he derived from his mother, Minnie Barnett, deceased, (maiden name not given) who, it is alleged, was possessed of one-half Choctaw and was the wife of William R. Barnett, deceased, a white man. The principal applicant doesn't trace his Indian descent beyond his mother, Minnie Barnett.

The proof in this case is the unsupported oral testimony of the applicant who testifies that he is thirty-eight years of age and was born in the state of Kentucky and was married in that state, and he moved to the state of Texas ten or twelve years before his removal to the Indian territory, where he has resided for four years prior to the time of making his application.

There is no proof, either oral or documentary, tending to show that applicant is a descendant of ancestors who were recognized members of the Choctaw tribe of Indians and resided in the Choctaw Nation, Mississippi and Alabama, at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, 27th of September, 1830. Neither is there any evidence offered, either oral or documentary, to show that there was any act of compliance on the part of the ancestors through whom the applicants claim their right to identification as Mississippi Choctaws, with any of the provisions of article fourteen of said treaty of 1830.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George W. Barnett for identification of himself and minor child as Mississippi Choctaws.

The applicant, George W. Barnett, appeared before the Commission at Colbert, Indian Territory, June 19th, 1900 and from his oral testimony given at that time in behalf of his own claim for identification as a Mississippi Choctaw and a claim that he makes for his minor child as a Mississippi Choctaw.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

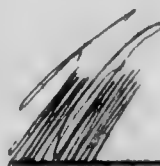
The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and only and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior. Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and as proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment. Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of George W. Barnett and his minor child, Lee Barnett, is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, September 24th, 1900.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 5, 1902.

In the matter of the application for identification as Mississippi Choctaws of George W. Barnett, et al., M.C.R. 307.

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This case was remanded by the Commissioner of Indian Affairs with his letter of July 27, 1901, with instructions that applicants be granted a rehearing for the purpose of the introduction of additional testimony in support of such application.

In accordance with such instructions notice of the hearing of such additional testimony was furnished the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations, January 24, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, March 5, 1902, at eleven o'clock A.M. this case being set for rehearing this day and date and said case being called, no appearance was made by the principal applicant herein nor the attorneys for the Choctaw and Chickasaw Nations.

- - - - 0 - - - -

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 5th day of March 1902.

Charles Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 5, 1902.

In the matter of the application for identification as Mississippi Choctaws of George W. Barnett, et al., M.C.R. 307.

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This case was remanded by the Commissioner of Indian Affairs with his letter of July 27, 1901, with instructions that applicants be granted a rehearing for the purpose of the introduction of additional testimony in support of such application.

In accordance with such instructions notice of the hearing of such additional testimony was furnished the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations, January 24, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, March 5, 1902, at eleven o'clock A.M. this case being set for rehearing this day and date and said case being called, no appearance was made by the principal applicant herein nor the attorneys for the Choctaw and Chickasaw Nations.

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C. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 5th day of March 1902.

E. L. Rosenwinkel
Charles H. Smith
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 5, 1902.

In the matter of the application for identification as Mississippi Choctaws of George W. Barnett, et al., M.C.R. 307.

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This case was remanded by the Commissioner of Indian Affairs with his letter of July 27, 1901, with instructions that applicants be granted a rehearing for the purpose of the introduction of additional testimony in support of such application.

In accordance with such instructions notice of the hearing of such additional testimony was furnished the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations, January 24, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, March 5, 1902, at eleven o'clock A.M. this case being set for rehearing this day and date and said case being called, no appearance was made by the principal applicant herein nor the attorneys for the Choctaw and Chickasaw Nations.

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G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 5th day of March 1902.

Marquette Wood
Notary Public.

Muskogee, Indian Territory, January 24, 1902.

George W. Barnett,

Kino~~o~~ Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor child, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Wednesday, March 5, 1902, at eleven o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 307

Acting Chairman.

Muskogee, Indian Territory, January 24, 1902.

Manafield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Wednesday, March 5, 1902, at eleven o'clock A. M., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the case of George W. Barnett et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 307

Acting Chairman.

Muskogee, Indian Territory, January 24, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the application for identification as Mississippi Choctaws of George W. Barnett et al., record of which was returned with letter of your office dated July 27, 1901, with instructions for further hearing, the Commission to the Five Civilized Tribes has notified the interested parties in this application and the attorneys for the Choctaw Nation that the testimony of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory, on Wednesday, March 5, 1902, at eleven o'clock A. M.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, March 6, 1902.

George W. Barnett,
Elmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date in which you say you were unable to get your witnesses to Muskogee on March 5, 1902, the date set for the rehearing of your application for identification as a Mississippi Choctaw, and you ask for an extension of time for presenting evidence in this case.

In reply to your letter you are advised that no appearance having been made by you on March 5, 1902, the date fixed for the rehearing of your case under instructions from the Department, the record in the same was closed, and the Commission will render its decision on the evidence already submitted.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 26, 1902.

George W. Barnett,

Elmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the matter of the application of George W. Barnett et al, for identification as Mississippi Choctaws.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of George W. Barnett and Lee Barnett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted and that the application for their identification as such should be refused, and it is so ordered:

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for

2-George W. Barnett.

review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 26, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the matter of the application of George W. Barnett et al, for identification as Mississippi Choctaws.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of George W. Barnett and Lee Barnett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted and that the application for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for

2-11-40

review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

M.C.R. 307.

Muskogee, Indian Territory, April 26, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the application of George W. Barnett et al, applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1902.

The Commission has the honor to report that the principal applicant in this application, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COPY.

M C R 307

Muskogee, Indian Territory, June 9, 1902.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on May 26, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of George W. Barnett, et al., of which decision you were duly advised on April 26, 1902.

Yours truly,

Acting Chairman.

M C R 307

Muskogee, Indian Territory, June 9, 1902.

George W. Barnett,

Elmore, Indian Territory.

Dear Sir:

You are hereby advised that on May 26, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of George W. Barnett, et al., of which decision you were duly advised by registered mail on April 26, 1902.

Yours truly,

Acting Chairman.

CHOCTAW. (Miss) $1\frac{1}{4}$

JUN 19 1900

George H. Barnett,
Elmore, I. T.

(Father) Wm R. Barnett.

(mother) Millie Barnett $(\frac{1}{2})$

(Wife) Sarah E. Barnett, (I. T.)

(Child)

9. Lee Barnett.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colbert, I. T.
June 19, 1900.

Geo. W. Barnett et al.

vs.

Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No. H. 307.

Original testimony and all papers filed in
this case forwarded Secretary of Interior,

December, 3d, 1900

REFER TO M. O. R. 307

George W. Barnett
et al

William R. Barnett, white,
Head

wife

Millie Barnett $\frac{1}{2}$ Head

mb
38

George W Barnett

38 $\frac{1}{4}$

wife

Sarah Emily Barnett

mb
38

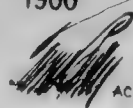
Lee Barnett - 9

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW *A. #307*
REFUSED.

Geo. H. Barnet

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 7 1900



ACTING CHAIRMAN.

39

61036	Indian Office.	1900
	Incl. No 287	

REFERT M. C. R

Thos. H. Barnet

Choctaw MCR 308

MCR 308

Mary L. Bittick

See MCR 206

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R. 308

Mary L. Bittick

REFER TO M. C. R. 206

REFUSED.

NOTICE OF DECISION MAILED APPLICANT

MAR 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT. MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 22 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 2 1902

71 C-124

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

—o—

In the matter of the application of Mary L. Bittick for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q What is your name? A Mary L. Bittick.
- Q What is your age? A 37.
- Q What is your post office address? A Ryan, I. T.
- Q How long have you lived in the Indian Territory? A 2 years.
- Q Where did you move from to the Indian Territory? A From Texas.
- Q How long did you live in Texas? A All my life until we moved here.
- Q Were you born in Texas? A Yes, sir.
- Q You never lived in the Indian Territory until 2 years ago?
- A Well, I did so but I didn't make that my home.
- Q You have never lived in Mississippi? A No, sir.
- Q What if your father's name? A Samuel G. Bittick.
- Q Is he living? A Yes, sir.
- Q Is he a Choctaw Indian, Mississippi Choctaw? A Yes, sir, he is a Mississippi Choctaw.
- Q What proportion of Choctaw blood does he claim to have? A He claims 1/16.
- Q Has his name ever been on the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
- Q What is your mother's name? A Alive Bittick.
- Q Is she living? A Yes, sir.
- Q She is a white woman? A Yes, sir.
- Q How much Choctaw blood do you think you have in your veins? A 1/32.
- Q Has your name ever been on the Choctaw tribal rolls? A No, sir.
- Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
- Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir, I haven't, my father applied before the Commission at Ardmore two years ago, but I didn't appear before them myself.
- Q That would not be the tribal authorities anyhow. I am talking about the Indian authorities? A No, sir, I didn't.
- Q You did apply to the Dawes Commission in the year 1896? A No, sir.
- Q This is your first application then? A Yes, sir.
- Q Under which treaty do you claim? A Under the treaty of 1830 and all other treaties pertaining to the interest of the Mississippi Choctaws.
- Q You don't rest your claim then simply upon any one treaty?
- A No, sir.
- Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
- Q Did any of your ancestors? A Not that I know of.
- Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the treaty of 1830? A No, sir.
- Q Did any of your ancestors? A Not that I know of.
- Q Is there anything else you would like to say? A I have my application here and I would like for you to withhold your decision until I can get copies of my grandmother's application, which you have in the office.
- (Affidavit of Mary L. Bittick, Emeline Pertate, filed in evidence, Marked Exhibit A and made a part of the record.)

Mary L. Bittick - 2.

We will withhold the decision until your papers are filed. When the decision is made you will be furnished with a copy of it in writing and mailed to your present post office address.

-----0-----

Bruce E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce E. Jones

Sworn to and subscribed before me this the 29th day of June, 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary L. Bittick, for identification as a Mississippi Choctaw.

The applicant, Mary L. Bittick, appeared before the Commission at Colbert, Indian Territory, September 21st, 1900 and from her oral testimony given at that time in her own behalf for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission/

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provisions:


"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make claim, ~~within the Choctaw-Chickasaw country~~, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in anyway of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of her personal appearance before this Commission for examination, and the written evidence submitted by her in support of her application for identification as a Mississippi Choctaw, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify her as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of Mary L. Bittick, on her own behalf, is hereby refused.

BY THE COMMISSION.

Muskogee, Indian Territory, Sept 4th, 1900.


Acting Chairman

Muskogee, Indian Territory, November 14, 1901.

Mary L. Bittick,

Ryan, Indian Territory.

Dear Madam:

In the letter of your application for identification as a Muskogee, I advised you and that under date of July 30, 1901, the Commissioner of Indian Affairs forwarded to this Commission the record then before forwarded the Department for approval with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on Friday December 20, 1901, at eleven o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,
22

M. C. 308.

Acting Chairman.

COPY.

M. C. R. 308.

Muskegee, Indian Territory, March 3, 1902.

Mary L. Bittick,

Ryan, Indian Territory.

Madame:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel G. Bittick, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel G. Bittick, et al.,	M C R 206
Mary Ann Bittick,	M C D 3
Leonard M. Bittick,	M C R 302
Emil F. Bittick,	M C R 304
Mary L. Bittick,	M C R 308
John M. B. Williams, et al.,	M C R 280

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

M. L. B. .. 2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Samuel G. Bittick, Samuel F. Bittick, Ida B. Bittick, Yandell Q. Bittick, Mary Ann Bittick (deceased), Leonard M. Bittick, Emil F. Bittick, Mary L. Bittick, Jehn M. B. Williams and Albert Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the dismissal by the Commission to the Five Civilized Tribes, of the application of Samuel G. Bittick for the identification of his wife, Alice Bittick, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamc Bixby.*

CARROLLINGHAMMAN in charge.

Registered.

A. K. A.

Muskogee, Indian Territory, May 2, 1902.

Mary L. Bittick,

Ryan, Indian Territory.

Dear Madam:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel G. Bittick, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

FILED

JUN 19 1900

COMMISSION TO FIVE TRIBES

CHOCTAW. (Miss) (1/2)

JUN 19 1900

Mary L. Bittick, 1/2
Ryan, I. T.

(Father). Samuel J. Bittick, 1/2
(mother). Alice Bittick. (n.s.)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance, and
testimony at Colbert, I. T.
June 19, 1900.

Mary L. Pittick,
^{vs.}
Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No. H, 305.

Original testimony and all papers filed in
this case forwarded Secretary of Interior,

December 11, 1875

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. *P* 308

REFUSED.

Mary L Pittier

judgment, ...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

[Signature]
ACTING CHAIRMAN.

<i>39</i>	Indian Office.	<i>1900</i>
61036	Incl. No. <i>289</i>	

See ...

Choctaw MCR 309

George W. Griffin

MCR 309

MISSISSIPPI CHOCTAW

George W. Griffin et al.
REFUSED.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP - 7 1900

[Signature]

ACTING COMMISSIONER

RECORD FORWARDED DEPARTMENT.

DEC - 3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR,

JAN 23 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

FEB - 3 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB - 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

George W. Griffin- 2.

Q Has she ever been recognized as a Cherokee? A Yes, sir.

Q You say she is a Cherokee? A Yes, sir, she claims to be.

Q Do you propost to make application for your wife as a Cherokee when we open the Cherokee rolls? A Yes, sir.

Q In that case your children would have to be considered as Cherokees, if your wife is a Cherokee.

(Affidavit of Henry Byington introduced in evidence and Marked Exhibit A and made a part of the record.)

The decision of the Commission is withheld. A copy of the decision of the Commission will be furnished you in writing, mailed to your present post office address.

-----0-----

Bruce C Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 29th day of June, 1900.

(Signed) Tams Bixby
Commissioner.

Bertha Perry Shuler, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above copy and that same is a true and correct copy of the original transcript.

Bertha Perry Shuler

Subscribed and sworn to before me this 2nd day of May, 1900.

Edward Morris
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Griffith, for identification of himself and two minor children as Mississippi Choctaws.

The applicant, George W. Griffith, appeared before the Commission at Colbert, Indian Territory, June 19th, 1900 and from his oral testimony given at that time in behalf of his claim for identification as a Mississippi Choctaw and a claim that he makes for his two minor children as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior; Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of George W. Griffith, on his own behalf and on behalf of his two minor children, Oliver A and Jessie E. Griffith, is hereby refused.

BY THE COMMISSION.

(Signed) Tams Bixby
Acting Chairman.

Muskogee, Indian Territory, September, 5th, 1900.

COPY.

Muscogee, Indian Territory,
September 6th, 1900.

George W. Griffith,
Wyatt, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children Oliver A., Jessie E. Griffith for identification as Mississippi Choctaws, before the Commission at Colbert, Indian Territory, June 19th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,

(Signed) Tams Bixby.

Acting Chairman.

M. C. A.-309.
Enc.
Registered mail.

C O P Y.

Refer in reply to the following:

Land
61036--1900.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith the record including the judgment of the Commission to the Five Civilized Tribes in the matter of the application of George W. Griffin for the enrollment of himself and minor children Oliver A. and Jesse E. Griffin as Mississippi Choctaws, No. 309. The testimony given by the applicant before the Commission at Colbert, Indian Territory June 19, 1900, showed he was a resident of the Indian Territory living at Wyatt; that he was 42 years of age, was born in Arkansas, and had never lived in the State of Mississippi; that his father's name had never been on the tribal rolls, neither had he ever been recognized by the tribal authorities as a Choctaw Indian; that the claimant himself had never been on any roll or recognized as a citizen by the tribal authorities, neither had he applied to the Dawes Commission in 1896 for enrollment as a citizen of the Choctaw Nation; that he claims under the Treaty of 1830; that he nor any of his ancestors had ever taken advantage of the provisions of the 14th article of

said treat, or been recipients of any of the benefits of said article; that he was married in Texas and his wife is a Cherokee, has been recognized as such, and that he intends to make application for her when the Cherokee rolls are opened up. (Her application made August 7, 1900 at Sallisaw, Indian Territory, and the Commission's refusal to enroll her is included among the papers in this case).

There is filed with the papers in this case the affidavits of ~~Alsie Irvin, Prime Harvey and Charles Lane; in which they state~~ that they were well acquainted with Abner Griffin in Georgia; that he was a half-blood Choctaw Indian, and that they were acquainted with his son G. W. Griffin in Arkansas.

Also the affidavit of Henry Byington, in which he states that he had made examination of certain records on which he found the names of Patrick Griffin and Goodman G. Griffin.

The Commission after quoting the provisions of the act of Congress of June 28, 1898, and from the Act of Congress of May 31, 1900 governing them in these cases concludes as follows: "After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi

Choctaws entitled to rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830."

"The application for identification as Mississippi Choctaws of George W. Griffin on his own behalf and on behalf of his two minor children, Oliver A. and Jesse E. Griffin is hereby refused."

The office is of the opinion that the testimony introduced in support of this claim is not sufficient to identify the claimants as Mississippi Choctaws entitled to enrollment as citizens of the Choctaw Nation.

The applicant states in his own testimony that neither he nor any of his ancestors ever took advantage of the provisions of the 14th article of the treaty of 1830; ^{and} that they were never enrolled as citizens nor recognized as such by the tribal authorities. The affidavits filed in the case do not connect the claimant or the ancestor Abner Griffin under whom he claims with the 14th article Mississippi Choctaws.

It is therefore recommended that the judgment of the Dawes Commission be approved; that the enrollment of the applicant George W. Griffin and his minor children, Oliver A. and Jesse E. Griffin as Mississippi Choctaws be refused and proper notice of this action be given the applicants.

Very respectfully,
Your obedient servant,

A.B.(E.)

W. A. Jones,
Commissioner.

C O P Y.

5263

A.P.

F.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T. .410-1901.

January 23, 1901.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

On January 20, 1902, the Commissioner of Indian Affairs transmitted the record in the case of George W. Griffin for the enrollment of himself and minor children, Oliver A. and Jesse E. Griffin, as Mississippi Choctaws, and recommended that your decision rejecting the application be concurred in.

The jurisdiction of the Commission as to Mississippi Choctaws is contained in section 21 of the act of June 26, 1888 (30 Stat., 495), and the act of May 31, 1900 (31 Stat., 211).

It appears that not one of the claimants has been enrolled or admitted to citizenship in the Choctaw Nation.

You found that the evidence in this case is not sufficient to enable the Commission to identify the claimants as Mississippi Choctaws entitled to rights in the Choctaw lands under article 14 of the treaty of 1830.

The Department concurs with your conclusions and

-2-

your decision is affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

Endorsee:

Department of the Interior,
Commission to the Five Civilized Tribes,
filed February 1, 1902.
Tams Bixby, Acting Chairman.

COPY.

Muskogee, Indian Territory, February 3, 1902.

George W. Griffin, { Mississippi Choctaw
Wyatt, Indian Territory. { No. R 309.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of your application for the identification of yourself and your two minor children, Oliver A. and Jeffie E. Griffin, as Mississippi Choctaws, together with the decision of the Commission of September 5th, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he states that he has affirmed the decision of the Commission in your case and refused your application for the identification of yourself and your two minor children as Mississippi Choctaws.

Yours truly,

(Signed) Tams Pixley,
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 1, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of George W. Griffin for the identification of himself and his two minor children, Oliver A. and Jeffie E. Griffin, as Mississippi Choctaws, together with the decision of the Commission of September 3, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he affirms the decision of the Commission in this case refusing the application for the identification of George W. Griffin and his two minor children as Mississippi Choctaws.

Yours truly,

(Signed) Tams Pixly,

Acting Chairman.

C R 309

Muskogee, Indian Territory, May 2, 1906.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

In compliance with the request of the Indian Office of April 25, 1906 (Land 5263-1902), there is herewith enclosed duplicate copy of the record in the matter of the Mississippi Choctaw case of George W. Griffith, et al.

Respectfully,

Commissioner.

McM 2/1

M. C. R. # 309.

Evidence:

"Jeffie"

Judgment:

"Jessie".

I HEREBY CERTIFY,

Choctaw MCR 310

Wilburn Jones

See MCR 341

MCR 310

310.

Wilburn Jones et. al.

-5-

4.

DD

18

April 4, 1906. Department directs
enrollment. See 7-5997.

341.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

In the matter of the application of Winburn Jones for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Birby, he testified as follows:

- Q What is your name? A Winburn Jones.
- Q What is your age? A 42 my last birthday.
- Q What is your post office address? A Marlow, I.T.
- Q How long have you lived in the Indian Territory? A Since 1891.
- Q Where did you come from to the Indian Territory? A From Texas.
- Q How long had you lived in Texas? A I have been there all my life up until I moved to the Territory.
- Q Where were you born? A In ~~Texas~~, the Choctaw Nation, is what my parents told me, I was too small to know anything about it.
- Q Did you ever live in Mississippi? A No, sir.
- Q What is your father's name? A Woody Jones.
- Q Is he living? A No, sir.
- Q Was he a Choctaw Indian? A He said he was.
- Q What proportion of Choctaw blood did he claim to have? A $1/4$.
- Q Was his name ever on the Choctaw tribal rolls? A Not that I know of.
- Q Was he ever recognized by the tribal authorities as a Choctaw Indian? A Not that I know of.
- Q What is your mother's name? A Mary Jones A
- Q Is she living? A Yes, sir.
- Q Is she a Choctaw Indian? A She claims Choctaw blood, I suppose about $1/8$, she don't know just exactly.
- Q Was her name ever been on the Choctaw tribal rolls? A Not that I know of.
- Q Was she ever been recognized by the Tribal authorities as a Choctaw Indian? A Not that I know of.
- Q What proportion of Choctaw blood do you claim to have? A Well about $15/32$.
- Q Has your name ever been on the Choctaw rolls? A Yes, sir.
- Q What roll is your name on now? A The roll of 1897.
- Q On the Choctaw roll of 1897? A Yes, sir.
- Q When did your name first appear on the Choctaw rolls? A On the 7th day of January, 1897.
- Q You made application to the Choctaw Commissioners? A Yes, sir.
- Q When did you present your application? A Some time in December, 1896, but I don't remember.
- Q The Choctaw Commission acted upon your application in 1897, January? A Yes, sir.
- Q And placed your name on the rolls? A Yes, sir.
- Q With your name was there the names of other people? A Myself, wife and family.
- Q You are claiming now to be a Mississippi Choctaw? A Yes, sir. I claim my parents was born and raised in Mississippi.
- Q When you appeared before the Choctaw Commission, you claimed then to be a Mississippi Choctaw or just a Choctaw by blood? A I claimed to be a Choctaw by blood, I didn't know there was any difference between a Choctaw by blood and a Mississippi Choctaw, and I thought they were all Choctaws.
- Q Of course that is true, but you understand there is special provision for the Mississippi Choctaws; of course they must be Choctaws by blood.
- Q Under which treaty do you claim as a Mississippi Choctaw? A I claim under all the treaties pertaining to the Choctaw people from 1830 to the present time.

Winburn Jones - 2.

Q You don't base your claim then upon any one treaty? A No, sir, of course I am not familiar with the treaties.

Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.

Q Did any of your ancestors? A Not that I know of.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1830? A No, sir.

Q Did any of your ancestors? A Not that I know of.

Q What is your wife's name? A Fannie Jones.

Q Is she living? A Yes, sir.

Q She is a white woman? A Yes, sir.

Q Is she the mother of your present children? A Yes, sir.

Q Where did you marry her? A In Texas.

Q Do you wish to offer your marriage license and certificate in evidence? A I haven't got them because I got burned out a few years ago and they were destroyed in the fire.

Q Do your children reside with you? A Yes, sir.

Q Has their residence and post office address always been the same as yours? A Yes, sir.

Q What are the names and ages of your children? A Peter N. is 18, Fannie is 16, Thomas is 14, Maude C. is 11, Jesse H. is 8, Sallie is 3, Paul is 10 months old.

Q Sallie is more than 3, you gave her as 3 a year ago? A No, sir, they haven't but one passed a birthday since then.

Q Is there anything else you would like to state in regard to your case at this time? A No, sir.

Q Have you any papers you would like to file? A Yes, sir.

(Affidavit of Winburn Jones, Lavini Billie, James R. Rogers, Mary Jones, A. H. Jones, Ann Garblin, Saml. Jones, and certified copy of the decree of the United States Court for the Southern District of the Indian Territory in the case of A. H. Jones against the Choctaw Nation.)

Q Who is Anson H. Jones? A He is my brother.

Q Did you apply to the Dawes Commission in 1896? A Yes, sir.

Q In which case? A In behalf of my own case.

Q In the case of A. H. Jones or W. H. Jones? A My own case, Winburn Jones.

Q Were the names of your wife and children in that original application to the Dawes Commission? A Yes, sir.

(The record examined, and found to read as follows: 1896 Citizenship Docket C, Case 1033, Winburn Jones against the Choctaw Nation. Original application filed September 7, 1896. Answer filed. Application denied. No record of any appeal.)

Mr. L. P. Hudson, attorney for applicant: You stated that you had lived in the Territory since 1891, I would like to know what time you were in the Territory prior to that? A I was born here, but my father moved out of the Territory before my recollection.

Q Well then you were back in the Territory again before 1891, were you? A No, sir.

Q Have you lived in the Territory continuously ever since 1891, and your family with you? A Yes, sir.

Q From whom did you first learn and how did you learn that the Commission had rejected you in 1896? A I don't know anything about it until Mr. McKennon asked me the question at South McAlester, I don't remember the exact date, but I believe it was the 15th of September.

Q You say he informed you at that time that you were rejected?

A Yes, sir.

Q What did he say to you in regard to your rejection.

A He asked me if I had received notice and I told him I hadn't, and he said they issued notice, they usually notified them, but he said that it really wasn't the duty of the Commission, that it was the duty of the applicant to find out, but I had no way of finding out.

Q Did you rely upon the fact that you were on the old Indian roll?

Winburn Jones - 3.

Q Did you rely upon the fact that you were on the old Indian rolls?

A Yes, sir.

Q And what was your idea as to whether or not you were placed on this roll at the time Mr. McKennon gave you this information? A I had information that the Indian rolls had been turned over to the Dawes Commission and that they would make the rolls for the Territory.

Q And you supposed up to that time that you were on the rolls of the Dawes Commission? A Yes, sir, by the rolls that they had in their possession.

Commissioner Bixby- The decision will be withheld. You will be furnished with a copy of the decision of the Commission in writing and mailed to your present post office address.

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Winburn Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Winburn Jones

Sworn to and subscribed before me this the 28th day of June, 1900.

[Signature]
Commissioner.

Winburn Jones A 3)

- Q Next one? A Thomas, 18 years old; (No. 7375, 186 roll.)
- Q Next one? A ... 18 years old. (182, 47776)
- Q Next one? A ... (No. 7375, 186 roll.)
- Q Next one? A ... 7 years old.
- Q Next one? A Winwood, it is dead now, it would be at ... old. (No. 7375, 186 roll.)
- Q Next one? A ... 18 years old now.
- Q ... by ...
- Q ...
- Q ...

... ..

(See records ...)

Department of Justice,
Commissioner of the ...

I hereby certify that the ...
stenographer to the ... Commission, that the
transcript is a true and correct translation of
my stenographic notes.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Winburn Jones for the enrollment of himself and children, Peter N., Elsie, Thomas, Maud C., Jesse H., Sallie, ~~Timothy~~, and Paul Jones, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fannie Jones, as a citizen by intermarriage of the Choctaw Nation.

D e c i s i o n .

The applicant, Winburn Jones, appeared before the Commission at South McAlester, Indian Territory, during the month of September, 1899, and there made application for the enrollment of himself and his minor children, Peter N. Jones, age 17, Elsie Jones, age 15, Thomas Jones, age 14, Maud C. Jones, age 11, Jesse H. Jones, age 9, Sallie Jones, age 8, and Paul Jones, age two months, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fannie Jones, as a citizen by intermarriage of the Choctaw Nation.

The names of the said Winburn Jones, Peter N. Jones, Elsie Jones, Thomas Jones, Maud C. Jones, Jesse H. Jones, and Sallie Jones, appear upon the 1896 census roll of the Choctaw Nation, as citizens by blood of said Nation, and the name of said Fannie Jones appears upon the 1896 census roll of the Choctaw Nation as a citizen by intermarriage of said Nation. It appears that the said Paul Jones is too young to be enrolled upon any tribal roll of the Choctaw Nation, and he claims the right to enrollment as the child of said Winburn Jones and Fannie Jones.

Under the Act of Congress of June 28, 1898, this Commission is authorized as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal roll's such names as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and ~~Chickasaw~~ citizenship under the treaties and the laws of said tribes."

It appears from the evidence in this case that the said applicants who were enrolled on the census roll of 1896 by the tribal authorities of the Choctaw Nation as aforesaid, were admitted to citizenship

and their names entered on said roll by the tribal authorities subsequent to October 10, 1896, to-wit, in January, 1897, and at a time when said tribal authorities were without authority to admit persons to citizenship or enrollment. Their enrollment was, therefore, without authority of law.

It further appears from the records in the possession of this Commission and the evidence in this case, that the said Winburn Jones made application for himself and his children, Peter N. Jones, Elsie Jones, Thomas Jones, Maud C. Jones, Jesse H. Jones, Sallie Jones as citizens by blood of the Choctaw Nation, and for his wife, Fannie Jones, as a citizen by intermarriage of the Choctaw Nation, to the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; that said application for citizenship was denied, and no appeal therefrom was taken to the United States Court in Indian Territory, as provided for in said act, and the decision of the Commission therefore became final.

The said applicants, therefore, never having been lawfully enrolled on the tribal rolls of the Choctaw Nation, never having been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation, by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission, and the said applicant, Fannie Jones, never having been married to a recognized citizen of the Choctaw Nation under Choctaw law, as required by said law, are not entitled to enrollment as citizens of the Choctaw Nation.

Therefore, the application which Winburn Jones makes for the enrollment of himself and his children, Peter N. Jones, Elsie Jones, Thomas Jones, Maud C. Jones, Jesse H. Jones, Sallie Jones, and Paul Jones, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fannie Jones, as an intermarried citizen of the

Choctaw Nation, is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____ day of _____, 1901.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Hinburn Jones
et al

k

mcr
#310

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Winburn Jones for the identification of himself and his minor children, Peter N., Edlie, Thomas, Maude C., Jesse H., Sallie and Paul Jones, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Winburn Jones appeared before the Commission at Colbert, Indian Territory, June 19, 1906, and there made application for the identification of himself and his minor children, Peter N. Jones, Edlie Jones, Thomas Jones, Maude C. Jones, Jesse H. Jones, Sallie Jones and Paul Jones, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh,

eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Winburn Jones for himself and for his minor children, Peter N. Jones, Esalie Jones, Thomas Jones, Maude C. Jones, Jesse H. Jones, Sallie Jones and Paul Jones, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Muskogee, Indian Territory, FEB 13 1901

Winburn Jones } Claim for Citizenship
 -vs- }
 Choctaw nation } Statement of facts.

Winburn Jones, the applicant, began to try to establish his claim some three years ago as shown by letter from the department and affidavit of Livingston, but not having completed the case he now presents his claim with the best evidence he can get for the short time he has to work it up -

Livingston is dead and we have to use the old affidavit or a certified copy of it.

R. Rogers is an excellent man and high cr. States that he has known this family 60 yrs and knows them to be Choctaws Livingston says the same of them as does Capt Thompson. Thus proving that they are Choctaws, they live in the Territory, and have a right to be enrolled. With this case beg to ask that this Honorable Commission consider

the Cases of A. H. Jones vs Choctaw nation no -
 Burl McClellan vs Choctaw nation no - Robt Mc
 Lendon vs Choctaw nation no - and John
 Marler vs Choctaw nation no - and Harling
 Jones vs Choctaw nation no - as they
 are all of the same family and the evi
 dence here would apply to all of them

C 100-1000

E 1271

11-1

94-1

9-1

Hence on account of our limited time
we have only after this case tried to identify
the others as members of the same family
on this case they will stand or fall.

Therefore we ask to have them all examined
together

Very respectfully
W. H. Lillie
att'y for Applicants.

Muskogee, Indian Territory, July 3, 1900.

Mr. Winburn Jones,

Harlow, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 1st, with which you inclose the affidavits of Winburn Jones and W. I. Gilbert, and ask that they be filed with your claim. You are advised that the same have been duly filed with the other papers in your case.

Yours truly,

Acting Chairman.

H.C. 322

- COPY.

Muskogee, Indian Territory, November 9, 1900.

Wilburn Jones,

Marlow, Indian Territory.

Dear Sir:

The Commission is in receipt of your request of the 1st of November to have the records in the matter of the application of yourself and your children for identification and enrollment as Mississippi Choctaws forwarded to the Secretary of the Interior for his consideration.

The same is returned to you herewith as the records of this Commission show that you on June 19th, 1900 made application for the identification of yourself and minor children as Mississippi Choctaws and the Commission at that time, after carefully hearing your oral testimony, notified you that a decision in your case would be with-held but that you would be furnished some time in the near future with a copy of the decision of the Commission in writing, mailed to you at your proper post-office address.

The Commission has not up to this time furnished you with any such decision and it would therefore be impracticable to forward the papers in this case to the Secretary of the Interior without action having been taken by the Commission.

Yours truly,

SIGNED *Temo Dixby*

Acting Chairman.

W C R 310

Enc J

COPY.

Muskogee, Indian Territory, March 1, 1901.

Taylor Perceival,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th of February relative to a controversy arising between certain citizens in your part of the Chickasaw Nation, Thomas Quillin, William C. Thompson, J. M. Hill and Winburn Jones, as to their right to hold certain land, and also inquiring as to the rights to citizenship and enrollment of these parties.

The Commission has to inform you that it cannot consider or render any opinion as to the rights to possession of any certain tracts of land by citizens of the Choctaw and Chickasaw Nations. This is a matter which will properly come before a land office when such is established in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two Nations to make selection of and file upon their allotments.

As to the parties of whom you inquire, our records show that Thomas Quillin, 45 years of age, of Oscar, Indian Territory, appeared before the Commission at Colbert, Indian Territory on June 15th, 1900 and made application for the identification of himself and his son, Frank Quillin, as Mississippi Choctaws. The Commission now has under consideration this application and will in a short time render a decision, a copy of which will be mailed to Mr. Quillin.

T P 2

As to Winburn Jones the records of the Commission show that on June 19th, 1900 at Colbert, Indian Territory, Mr. Jones appeared before the Commission and made application for the identification of himself and seven minor children as Mississippi Choctaws. A judgment refusing the application of Mr. Jones and his children was on February 15th, 1901, mailed to him at Marlow, Indian Territory.

The records of the Commission show as to J. M. Hill of whom you inquire, that on September 24th, 1898, J. M. Hill, 51 years of age, together with his wife, Amanda Hill and their minor children, were duly listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment of the United States court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, March 8th, 1898 in court case No. 149.

As to William C. Thompson, the records of the Commission show that on June 19th, 1900, at Colbert, Indian Territory, William C. Thompson appeared before the Commission and made application for the identification of himself and his wife, his grand niece, Sarah T. Stubblefield and his nephew, William E. Thompson as Mississippi Choctaws. The Commission after a consideration of the testimony offered by Mr. Thompson and the evidence filed in support of his application on February 18th, 1901 rendered a decision refusing the application of William C. Thompson, for the identification of himself, his wife, his niece and his nephew as Mississippi Choctaws. A copy of the decision was mailed to Mr. Thompson at Marlow, Indian Territory on the date above given.

Yours truly,

SIGNED

Tamc Dixby

M O B 341
W C B 330

me R 84

Acting Chairman.

COPY.

Muskogee, Indian Territory, September 29, 1902.

Winburn Jones,

Marlow, Indian Territory.

Dear Sir:-

The Commission is in receipt of your application to take the depositions of John Keith and Stephen McGee, to be read in evidence in your application for identification as a Mississippi Choctaw. Said application, the direct interrogatories and proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations being in due form have been filed with and made a part of the record in your application, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

SIGNED *Tamc Dixey*

Acting Chairman

COPY.

M.C.R. 310.

Muskogee, Indian Territory, October 20, 1902.

Winburn Jones,

Marlow, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of Stephen McGee upon the direct and cross interrogatories thereto attached, the same to be read in evidence in your application for indentification as a Mississippi Choctaw. Also attached to said commission are a caption and certificate which are to be filled out by the Notary before whom the said deposition is taken.

Immediately upon receipt of these documents you will have them placed in the hands of an officer authorized by law to take depositions, and when the taking thereof is completed have him return them to this Commission in order that the application in which they are to be filed may be brought to a final determination at as early a date as possible.

Respectfully,

SIGN: *Tamc Dixie*

Acting Chairman.

1 Inclosure.

C.H. 11

COPY.

Muskogee, Indian Territory, October 20, 1902.

William C. Thompson, Sr.,
Barlow, Indian Territory.

Dear Sir:

Enclosed please find a commission to take the deposition of William Jones upon the direct and cross interrogatories thereto attached, the same to be read in evidence in your application for identification as a Mississippi Choctaw. Also attached to said commission are a caption and certificate which are to be filled out by the Notary before whom the said deposition is taken.

Immediately upon receipt of these documents you will have them placed in the hands of an officer authorized by law to take depositions, and when the taking thereof is completed have him return them to this Commission in order that the application in which they are to be filed may be brought to a final determination at as early a date as possible.

Respectfully,

SIC

Tamc Dwyer

Acting Chairman.

1 inclosure.

COPY.

Muskogee, Indian Territory, October 20, 1902.

Winburn Jones,

Marlow, Indian Territory.

Dear Sir:

Enclosed please find a commission to take the deposition of John Keith upon the direct and cross interrogatories there to attached, the same to be read in evidence in your application for identification as a Mississippi Choctaw. Also attached to said commission are a caption and certificate which are to be filled out by the Notary before whom the said deposition is taken.

Immediately upon receipt of these documents you will have them placed in the hands of an officer authorized by law to take depositions, and when the taking thereof is completed have him return them to this Commission in order that the application in which they are to filed may be brought to a final determination at as early a date as possible.

Respectfully,

Sam Dickey

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 19, 1903.

Winburn Jones,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., in which you ask to be advised the present status of your case; and also what action the Commission would take "in the event some recognized citizen should offer a filing on the lands that I hold, having bought the improvements thereon."

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in your case. As soon as a decision is rendered, you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and children occupy the status of applicants for identification as Mississippi Choctaws

whose rights to such identification have in no manner been determined.

Relative to your right to hold lands in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws entitled to allotment, and that yourself and children are not at this time entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,


Commissioner in Charge.

Muskogee, Indian Territory, March 5, 1904.

Winburn Jones,

Marlow, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 5, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons embraced in the consolidated case of William C. Thompson et al., including you and your children, Peter N., Elsie, Thomas, Maude C., Jesse H., Sallie and Paul Jones.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

FHE.

I. C. 17812-1905.
I.T.D. 3622-1904.

April 4, 1905.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 13, 1904, you transmitted the record in the matter of the consolidated Choctaw enrollment case of William C. Thompson, et al, concerning the applicants whose cases are included under title M. C. R. 341, see departmental letter of March 24, 1905.

Herein will be considered the rights of - -

Mary Jones, M. C. R. 563,
Winburn Jones, et al, M. C. R. 310,
Bryant M. Jones, et al, M. C. R. 557,

the record in whose cases constitutes a part of the record in said consolidated case.

By reason of her relationship to the other applicants, consideration will first be given to the rights of Mary Jones, both as to her claim to be identified as a Mississippi Choctaw and as to her right, if any, to be enrolled as a Choctaw by blood.

According to Mrs. Jones' statement made at the hearing before your Commission August 13, 1900, she was born about 1830 in Louisiana, where she lived for three years, removing thence to

Mississippi. From then on she resided continuously in Mississippi until about 1847, when she removed to Texas. Her residence in Texas continued up to the summer of 1900, when she removed her person but not her effects to Marlow, Chickasaw Nation. This removal occurred about one month prior to the date of the hearing referred to above. She then stated that she is the daughter of Solomon and Izilla Mangum (probably Mangum); that she does not know whether her father was a Choctaw or a white man, and that her mother was a one-eighth blood Choctaw. Contrary to her oral statement of August 13, 1900, Mrs. Jones stated in her written application of same date addressed to your Commission, that she was born in Mississippi. From her affidavit of July 3, 1899, it appears that she is a cousin by blood of the said William C. Thompson. The degree of relationship is not clear, but seems to be traced through their mothers, Izilla and Elizabeth Mangum. In an affidavit dated July 14, 1897, Mary Jones stated that she was part Choctaw blood, but that she had never made application for citizenship in the Choctaw Nation because she lived in Texas and had a farm and home there and had been informed that non-resident Indians could not be recognized or enrolled.

In view of the foregoing statement of facts it is considered that the said Mary Jones cannot be deemed to be a person who removed to and made bona fide settlement in the Choctaw Nation prior to June 28, 1898, as it was necessary for her to do under the

Curtis Act in order to be enrolled as a Choctaw by blood; nor has she ever been enrolled or recognized as a citizen of said nation. Her rights as a Mississippi Choctaw will be considered with the rights of the other applicants herein who claim the same ancestry.

Title M. C. R. 310 includes the application of Winburn Jones for the enrollment of himself and his seven minor children, Peter N., Elsie, Thomas, Maudie C., Jesse H., Sallie and Paul Jones.

From the testimony of Winburn Jones, undated, but taken evidently in September, 1899, it appears that he was born about 1851 in the Choctaw Nation, but that his father left there when the applicant was too young to remember and took him to Texas, these statements being based, as he claims, on what his father has told him. He states further that after he "was grown", and in 1892 he removed to the Indian Territory, settling in the Chickasaw Nation. He has resided in the Territory ever since. At the time of the above hearing he stated that his father was an Indian and his mother (the said Mary Jones) a white person. This statement conflicts with his mother's claim set forth above to the effect that she is a Choctaw by blood. Further proceedings were had June 19, 1900, before your Commission. Jones then testified that his father's name is Woody Jones; that Woody Jones was a part blood Choctaw; that his mother is Mary Jones, and that she claims part blood Choctaw. He further claims that his parents were born and raised in Mississippi. Con-

trary to the last statement, see Mrs. Jones' testimony, above set out, that she was born in Louisiana.

It further appears, as shown by the certificate of S. I. Homer, National Secretary, given under the seal of the Choctaw Nation, that the names of Winburn Jones, his wife, Fannie, and their seven children were enrolled "on a legal roll of citizenship in the Choctaw Nation," January 6, 1897, by the revisory committee of said nation.

It is true that the testimony is uncontroverted that Winburn Jones and his children possess some degree of Choctaw blood; that their names are borne upon the 1896 census roll of the Choctaw Nation; that he has resided in said nation for about fifteen years; that part if not all of his children were born in said nation, and it is possible that he himself was born there. Does it follow, however, that he and they are entitled to enrollment as citizens by blood? From the statement of Mary Jones that she has never claimed recognition or enrollment as a citizen of the Choctaw Nation owing to the fact that her residence and interests were in the state of Texas, and for the further reason that she did not remove to the Choctaw-Chickasaw country prior to June 28, 1898, it is evident that the Choctaw citizenship, if any, of these applicants was not derived from Mary Jones, the mother of Winburn Jones. Concerning the father of Winburn Jones, the testimony is far from adequate to show that

his father, Woody Jones, was ever enrolled or duly recognized as a citizen of the Choctaw Nation. The rule is well settled that citizenship must be claimed through an unbroken line of citizen ancestors; otherwise, admission or readmission is necessary to restore to the members of an Indian family their right to share in the lands and other properties of the tribe wherein they claim citizenship.

Winburn Jones has failed to show that he was admitted or readmitted to Choctaw citizenship, either by act of the National Council or by decree of its courts. It follows that his claim to enrollment as a citizen by blood of the Choctaw Nation must fall, and with it of course must fall the claims of his wife and children. This is true even though said children were born within the Choctaw Nation and their names are found upon its rolls of citizenship.

Title M.C.R. 577 includes the application of Bryant M. Jones for the enrollment of himself, his wife, Magrie, and his minor children, Jessie and Frank Jones. The said Bryant M. Jones is also the son of Mary Jones (see M.C.R. 563), by her husband Woody Jones. The principal applicant also failed to show that either of his parents was a bona fide enrolled and recognized citizen of the Choctaw Nation. In fact, he admits that he does not know that Woody Jones was ever recognized by the tribal authorities of the Choctaw Nation as a citizen of said nation. The wife of Bryant M. Jones, viz: Magrie Jones, is according to her husband's statement, the daughter of P. F. Durant, alleged to be a one-fourth blood Choctaw. Her

mother, Susan Cole, was a white woman. No further testimony was given concerning the blood or ancestry of Maggie Jones. Bryant M. Jones testifies that he lives in Texas; that he was born there, and that he resided in Durant, Indian Territory for about one month and bought property there. This removal to the Indian Territory apparently was for the purpose of presenting an application to your Commission in 1896 for enrollment, and after it was found that he was rejected Bryant M. Jones returned to Texas. This removal and brief sojourn in the Choctaw Nation cannot be considered a bona fide removal to and settlement in the Indian Territory, as contemplated by the act of June 28, 1898. It appears that the residence of Bryant M. Jones in Texas has always been that of his wife and children. Neither his name nor theirs is reported as being borne upon any of the tribal rolls. It follows that the applicants embraced in said title A.C.R. 557 are not entitled to enrollment as citizens by blood, also that the said Maggie Jones is not entitled to enrollment as a citizen of said nation by intermarriage.

The Department has considered the testimony submitted relative to the ancestors of these applicants, and finds such testimony insufficient, in the absence of any corroborative information from the records in the Indian Office to establish that any person from whom said applicants claim descent ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

In your decision of March 5, 1904, you held that none of the applicants are entitled to enrollment as citizens by blood of the Choctaw Nation or to identification as Mississippi Choctaws.

Reporting in the matter April 30, 1904, the Indian Office recommended that your action be approved.

It appears that the names of the applicants included under title "C.R. 310 were placed upon the 1896 census roll of the Choctaw Nation by the revisory committee. It is contended that this committee was without authority to make such enrollment and that therefore the names of said applicants should be eliminated from said roll. For the reasons stated above, it is manifest that the applicants so enrolled are not legally entitled to enrollment under the laws, treaties and usages of the Choctaw Nation. This being true, their names should be dropped from the rolls even though placed thereon by an authority whose legal power is beyond question. Consequently it is unnecessary to discuss herein the power and authority of the revisory committee.

Your decision of March 5, 1904 is hereby affirmed.

Respectfully,

(signed) Thos. Ryan,
Acting Secretary.

COPY.

M.C.R. 310

Muskogee, Indian Territory, April 18, 1905.

Winburn Jones,

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify you and your children, Peter N., Essie, Thomas, Maude C., Jesse H., Sallie and Paul Jones, as Mississippi Choctaws, and also held that you and said children and your wife, Fannie Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of your failure to comply with the provisions of the Act of Congress approved June 28, 1898, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

For your information, there is enclosed you herewith a copy of departmental letter of April 4, 1905.

Respectfully,

SIGNED

Wm. L. Jones

Enc. M.C.R. 310.

Chairman.

COPY.

M.C.R. 563

310, 567

Muskogee, Indian Territory, April 19, 1905.

George T. Putty,

Attorney at Law,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter M. Jones, Eslie Jones, Thomas Jones, Maude C. Jones, Jesse H. Jones, Sallie Jones, Paul Jones, Bryant M. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1898, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

SIGNED

Thomas C. Jones

Chairman.

COPY.

M.C.R. 863

310, 357

Muskogee, Indian Territory, April 18, 1905.

W. D. Hood,

Attorney at Law,

Centralia, Texas,

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter N. Jones, Elsie Jones, Thomas Jones, Jesse H. Jones, Sallie Jones, Maude C. Jones, Paul Jones, Bryant M. Jones, Nannie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1898, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

SIGNED

John W. ...

Chairman.

COPY.

M.C.R. 363
310, 557

Muskogee, Indian Territory, April 18, 1905.

H. R. Willigin,
Attorney at Law,
Centralia, Texas.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter N. Jones, Eslie Jones, Thomas Jones, Maude C. Jones, Jesse H. Jones, Sallie Jones, Paul Jones, Bryant M. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1896, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

S. M.

Chairman.

M.C.R. 563
310, 557

COPY.

Muskogee, Indian Territory, April 18, 1905.

S. Heard,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter N. Jones, Elsie Jones, Thomas Jones, Maude C. Jones, Jesse T. Jones, Sallie Jones, Paul Jones, Bryant M. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1898, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

LEWIS L. LEE

Chairman.

COPY.

Muskogee, Indian Territory, April 18, 1905.

William A. Proctor,

Attorney at Law,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter M. Jones, Elsie Jones, Thomas Jones, Maude C. Jones, Jesse H. Jones, Sallie Jones, Paul Jones, Bryant M. Jones, Maggie Jones, Jessie Jones, and Frank Jones as Mississippian Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1896, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

[Signature]

Chairman.

COPY.

M.C.P. 105
310, 557

Mustang, Indian Territory, April 16, 1905.

G. W. Doughrays,

Attorney at Law,

Mustang, Indian Territory.

Dear sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter H. Jones, Sallie Jones, Thomas Jones, Maude C. Jones, James H. Jones, Sallie Jones, Paul Jones, Bryant H. Jones, Maggie Jones, Jessie Jones, and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved July 23, 1893, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

Charles E.

Chairman.

U.S.N. 1003
510, 557

COPY

Muskogee, Indian Territory, April 18, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter W. Jones, Willie Jones, Thomas Jones, Maudie C. Jones, Jesse W. Jones, Calista Jones, Paul Jones, Bryant T. Jones, Magdalen Jones, Jennie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 20, 1902, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

For your information, there is enclosed your letter and copy of departmental letter of April 4, 1905.

Respectfully,

WFW-18-1.

J. G. Jones

Chairman.

Muskogee, Indian Territory, April 12, 1905.

Jesse Hill,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter N. Jones, Eslie Jones, Thomas Jones, Maude C. Jones, Jesse M. Jones, Sallie Jones, Paul Jones, Bryant W. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 26, 1896, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

Chairman.

H.C.R. 63

COPY.

310, 557

Muskogee, Indian Territory, April 18, 1905.

E. Hamilton,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter W. Jones, Eslie Jones, Thomas Jones, Maude C. Jones, Jesse H. Jones, Sallie Jones, Paul Jones, Bryant H. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 26, 1896, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

Tamie C. Smith

Chairman.

COPY.

M.C.P. 563
310, 557

Muskogee, Indian Territory, April 18, 1905.

R. O. Fenley,
Attorney at Law,
Grovetown, Texas.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mary Jones, Winburn Jones, Peter H. Jones, Fannie Jones, Thomas Jones, Maude C. Jones, James L. Jones, Fannie Jones, Paul Jones, Bryant M. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1896, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

Chairman.

C. -

100. R. 3
110, 117

Wichita, Indian Territory, April 11, 1905.

W. L. Harrison,

Attorney at Law,

Wichita, Indian Territory.

Dear Sir:

You are hereby notified that on April 4, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 6, 1904, refusing to identify Mary Jones, Winburn Jones, Peter W. Jones, Belle Jones, Thomas Jones, Maude C. Jones, Frank W. Jones, Callie Jones, Paul Jones, Bryant W. Jones, Maxie Jones, Joseph Jones, and Frank Jones as his assigned Choctaws, included in the consolidated case of William C. Thompson et al., and also held that all of the above named persons, together with Fannie Jones, wife of William Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved July 20, 1903, for removing and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

Sir,

CHARLES L. JONES
Chairman.

COPY

M.T.L. 343
310, 347

Muskogee, Indian Territory, April 17, 1901.

John B. Thomas,

Attorney at Law,

Muskogee, Indian Territory.

Sir:

You are hereby notified that on April 4, 1901, the Secretary of the Interior affirmed the decision of this Commission of March 1, 1901, refusing to enroll Mary Jones, Winburn Jones, later M. Thomas, Lelia Jones, Thomas Jones, Maude C. Jones, George L. Jones, Sallie Jones, Paul Jones, Bryant M. Jones, Maggie Jones, Jessie Jones and Frank Jones as Mississippi Choctaws, included in the consolidated case of William C. Thompson et al, and also held that all of the above named persons, together with Fannie Jones, wife of Winburn Jones, were not entitled to enrollment as citizens of the Choctaw Nation, by reason of their failure to comply with the provisions of the Act of Congress approved June 28, 1898, in removing to and establishing a residence in the Choctaw or Chickasaw Nation.

Respectfully,

SIGNED

Chairman.

(Copy)
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

FHE.

I.T.D. 4222-1906.
4813-05

April 4, 1906.

D.C.-12733.-1906.

LRS.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 4, 1906, the Department rendered a decision in the matter of the application for the identification as Mississippi Choctaws and for the enrollment as Choctaws by blood of the following persons: Mary Jones (M.C.R.503); Winburn Jones et al (M.C.R.310); Bryant M. Jones et al (M.C.R.557).

The record in the above entitled cases forms a part of the record in the consolidated Choctaw case of William C. Thompson et al (M.C.R.341), which was the subject of the approved opinions of the Assistant Attorney General for this Department of March 3, 1905, and March 10, 1906.

In said decision of April 4, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes of March 5, 1904, refusing to identify the applicants as Mississippi

Choctaws or to enroll them as citizens by blood of the Choctaw Nation. Upon reconsideration of its decision of April 4, 1905, the Department is satisfied that it should not be disturbed as to applicant Mary Jones or as to the applicants in the case of Bryant M. Jones et al.

In view of the approved opinions of the Assistant Attorney General in the Thompson case referred to above, and in the case of James S. Long, which was rendered February 19, 1906, the action originally taken in the case of Winburn Jones et al seems erroneous. According to the record as it now stands the said Winburn Jones is of Choctaw descent. His parents, Woody Jones, Jr., and Mary Jones, nee Mangum, were both part blood Choctaws, and in early life resided in the old Choctaw Nation, Mississippi. They married in that state about the year 1845, and moved westward, eventually reaching the state of Texas. Their son Winburn was born either in the Choctaw Nation west, or in Texas. About the 17th day of March, 1881, he married Fannie Barron, by whom he became the father of several children, whose applications are included herein. The family removed to the Chickasaw Nation in 1892. In 1896 a petition was submitted to the Commission to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation. This petition was denied, but it is claimed

by the applicants that notice of said decision was not furnished them and that they had no knowledge thereof. There is nothing in the record to controvert this testimony. In January, 1897, the names of the applicant, his wife and their children, were placed upon the 1896 roll of the Choctaw Nation. Such enrollment was made by the Revisory Committee.

In view of the facts recited above, the applicant and his children are, according to said opinion in the James S. Long case, entitled to enrollment as citizens by blood of the Choctaw Nation, being by descent and residence eligible thereto. Their enrollment upon the 1896 roll operates to give the Department jurisdiction to determine their cases upon their merits.

As Fannie Barron, now Jones, became the wife of Winburn Jones prior to the final ratification of the Choctaw-Chickasaw agreement (September 25, 1902), and removed to the Choctaw-Chickasaw country prior to June 28, 1898, she is entitled to enrollment as a citizen by intermarriage of the Choctaw Nation.

The premises considered, the decision of the Department of April 4, 1905, is hereby rescinded and the decision of the Commission to the Five Civilized Tribes of March 5, 1904, is reversed, except in so far as said decisions deny these applicants identification as Mississippi Choctaws. You are, however, directed

to enroll Winburn Jones and his children, Peter N., Elsie, Thomas, Maude C., Jesse H., Sallie and Paul Jones as citizens by blood, and his wife, Fannie Jones, as a citizen by intermarriage, of the Choctaw Nation.

The order suspending all enrollment and allotment proceedings as to them is hereby revoked.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

MCR 310
7-5997

Muskogee, Indian Territory, April 11, 1906.

Winburn Jones,

Marlow, Indian Territory

Dear Sir:

You are hereby advised that on April 4, 1906 (T.T.D. 4222-1906), the Secretary of the Interior, after a reconsideration by the Assistant Attorney General for the Department, of the Mississippi Choctaw case of Wm. C. Thompson, et al., rescinded the decision of the Department of April 4, 1905, and reversed the decision of the Commission to the Five Civilized Tribes of March 5, 1904, adverse to yourself, your wife and children, and directed the enrollment of Winburn Jones and his children, Peter N., Eslie, Thomas, Maude C., Jesse H., Sallie and Paul Jones as citizens by blood and the enrollment of Fannie Jones as a citizen by intermarriage of the Choctaw Nation.

You are accordingly advised that the Commissioner to the Five Civilized Tribes will include the names of yourself and the minor children above mentioned upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. The name of your wife, Fannie Jones, will be included upon the next schedule of intermarried citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED
Acting Commissioner

2160-1901

MC R 310, Winburn Jones
et al.

On June 19, 1900 Winburn Jones, 42 years old, of Marlow, I.T. appeared before the Commission at Colbert, I.T. and made application for identification of himself and seven children

as Mississippi Choctaws. No judgment has yet been rendered in this case, but judgment has been written, and may be among those now in Muskogee for mailing out.

Atoka, February 26, 1901.

AB

CHOCTAW (Miss)

JUN 19 1900

William Jones,

Marlow, I.T.

(Father). Moody Jones,

(Mother). Mary Jones,

(Wife) Fannie Jones. (4-1)

15. Peter. 11	(m)	}	S. Sallie	(7)
16. Estie.	(7)		(m) Paul	(7)
14. Thomas.	(m)		" Mand C.	(1)
9. George H.	(m)			

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colbert, I.T.
June 19 1900.

M. C. T. 210

Choctaw MCR 311

Benjamin S. Moore

MCR 311

See MCR 219

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCT / W.

Benjamin S. Moore

REFUSED.

DECISION RENDERED JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R.

219

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 19, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Benjamin Shannon Moore.

Benjamin S. Moore, being first duly sworn by Acting Chairman Bixby, testifies as follows:

Q What is your full name? A Benjamin Shannon Moore.

Q What is your age? A Twenty-one.

Q Where do you live? A Sherman, Texas.

Q Sherman Texas, is your home? A Yes sir.

Q You have no home in the Territory? A No sir.

Q Always lived in Texas? A Yes sir.

Q What is your father's name? A Rd Moore.

Q Is your father living? A Yes sir.

Q What is your mother's name? A Vistoria Moore.

Q Through whom do you claim your rights to citizenship? A Through my mother.

Q Has your mother ever been recognized by the tribal authorities of the Choctaw Nation? A No sir.

Q Do you know whether her name is on any of the tribal rolls of the Choctaw Nation? A I think not.

Q Did she or any one for her ever make application to the tribal authorities for Choctaw citizenship? A No sir, not that I know of.

Q Do you know whether she ever made application to the Commission to the Five Civilized Tribes in 1896 for enrollment? A Not that I know of.

Q Is your name upon any of the tribal rolls of the Choctaw Nation?

A No sir.

Q Did you ever apply to the authorities of the Choctaw Nation? A No sir.

Q Did you ~~never~~ apply to the Commission to the Five Civilized Tribes in 1896? A No sir.

Q You have never been recognized by the tribal authorities as a citizen? A No sir.

Q You claim as a Mississippi Choctaw? A Yes sir.

Q Did you ever take advantage of the 14th article of the treaty of 1830? A I don't understand the provisions of that treaty.

Q Do you know what the treaty of 1830 is? A No sir, I don't.

Q You have never read it? A No sir, I never have.

Q Did your ancestors ever take advantage of the 14th article of the treaty of 1830? A I don't know; I know that I never have but as to my ancestors I do not know.

Q Did you or your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of Dancing Rabbit Creek? A I never did; don't know about my ancestors.

Q Do you make any claim under the 15th article of the treaty of Dancing Rabbit Creek? A I don't know about that.

Q Do you make any claim under the 19th article? A I claim under all the laws and treaties with the United States that might apply to my case.

Q Do you make any claim under the supplement of the treaty of 1830? A No sir.

Q Then you do not base your claim under the 15th, 19 or the supplement of the treaty of 1830, but you say that in a general way you claim under all the treaties? A No sir, I may later on.

Q Are you married? A No sir.

Q What proportion of Choctaw blood do you claim to have? A About one-sixteenth, as near as I can figure it out.

Q You say you never lived in Indian Territory? A No sir.

Q You live in Texas? A Yes sir.

Q How long have you lived there? A I was born there.

Q You were born there? A Yes sir, lived there all my life.

Q You claim your right to Indian blood as a Mississippi Choctaw through your mother? A Yes sir.

Q Your mother in Texas? A Yes sir.

Q Under which of your ancestors as Mississippi Choctaws do you claim your right to identification as a Mississippi Choctaw? A Under my grand father.

Q Was he a Mississippi Choctaw living with the Choctaws and recognized by the tribal authorities? A I don't know, he removed to Texas in an early day.

Q You don't know about that? A No sir.

Q Do you know anything about his Indian rights or the Indian rights of any of your ancestors? A No, I don't personally.

Q You have only heard what has been told among the members of your family? A No sir, I don't know of my own knowledge.

Q Are there any additional statements which you desire to make at this time in regard to your application? A I wish to put in written proof later on if I can.

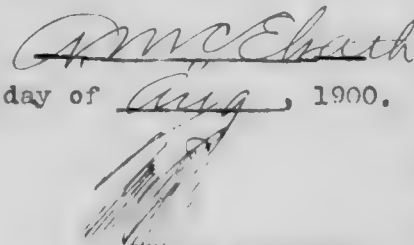
Q Have you any written testimony which you desire to submit at this time? A No sir, Not now.

You understand that any written testimony or evidence which you submit later on will not be for the consideration of this Commission but will be forwarded to the Honorable Secretary of the Interior for his consideration when the final roll of the Choctaw Nation are forwarded to him for final approval.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present postoffice address.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, hereported the above case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of Aug, 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin S. Moore for identification as a Mississippi Choctaw.

The applicant, Benjamin S. Moore, appeared before this Commission at Colbert, Indian Territory, June 19th, 1900, and at that time made application for the identification of himself as a Mississippi Choctaw.

It appears from the evidence in this case that the name of the applicant has never been on any of the rolls of the Choctaw Nation or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That his claim to recognition as a citizen of the Choctaw Nation is by reason of his rights to be identified by this commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicant, Benjamin S. Moore given at the time of his personal appearance before this Commission for examination and the written evidence submitted by him in support of his application as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of Benjamin S. Moore on his own behalf, as a Mississippi Choctaw, is hereby refused.
BY THE COMMISSION.



Acting Chairman

Muscogee, Indian Territory, Oct 1, 1905.

Wankarem, Indian Territory, September 1, 1901.

Mr. Benjamin S. Moore,
Sherman, Texas.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs recommended to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. III.

COPY.

Muskogee, Indian Territory, February 4, 1902.

Benjamin Shannon Moore,
Sherman, Texas,

Dear sir:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R.	219
Victoria Moore, et al.,	M.C.R.	220
Benjamin Shannon Moore,	M.C.R.	311
Zelma M. Murphy, et al.,	M.C.R.	312
Vic Tolson,	M.C.R.	313
Inez Tolson,	M.C.R.	314
Julia Tolson Moore, et al.,	M.C.R.	315
Margaret Tolson, et al.,	M.C.R.	316
Stella R. Bruce, et al.,	M.C.R.	369
Clyde Shannon,	M.C.R.	437
Claude Shannon Pugh, et al.,	M.C.R.	438
Dugan Shannon, et al.,	M.C.R.	439
William Tolson,	M.C.R.	441
William M. Shannon,	M.C.R.	466
Walter Scott Shannon, et al.,	M.C.R.	472
Robert Easton Shannon, et al.,	M.C.R.	488
Lizzie Ray, et al.,	M.C.R.	489
Pearl King,	M.C.R.	501
Inez Shannon Shivers, et al.,	M.C.R.	502
Robert Almer King, et al.,	M.C.R.	868
Zylla T. Moore Gordin,	M.C.R.	1084
Walter J. B. Richards, et al.,	M.C.R.	1091
Maude L. DuPuy, et al.,	M.C.R.	1093
Frank McDonald Richards,	M.C.R.	1094

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Mina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucille Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maud Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King, Jr., Vera King, John Irving King, Zylla M. Moore Cardin, Walter J. B. Richards, Claud Henry Richards, Merroll Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of the action taken by him.

Yours truly,

M.C.R. 311
Registered.

(SIGNED)

James D. Gandy.

Acting Chairman.

M.C.R. 311

Muskogee, Indian Territory, April 9, 1902

Benjamin Shannon Moore,
Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

7
Commissioner in Charge

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

Name James H. Smith (Date) June 19 1900
 Choctaw? Yes County ... Year ... No. ...
 Chickasaw? ... County ... Year ... Page ...
 Citizen by blood? ... Mother's citizenship ...
 Intermarried citizen? ...
 Married under what law? ...
 License filed this day, ...

Wife's name, ...
 Choctaw? ... County ... Year ... No. ...
 Chickasaw? ... County ... Year ... Page ...
 Citizen by blood? ... Mother's citizenship ...
 Intermarried citizen? ...
 Married under what law? ...
 License filed this day ...

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
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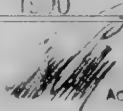
FOR IDENTIFICATION AS
 MISSISSIPPI CHOCTAW
 FOR IDENTIFICATION AS

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. *7511*
REFUSED.

Benjamin S. Moore
Judgment rendered.

DEPARTMENT OF THE INTERIOR,
BUREAU OF THE FIVE CIVILIZED TRIBES,
WASHINGTON, D. C.

1 1900



ACTING CHAIRMAN.

<i>40</i>	Indian Office.	1900
61036	Incl. No 293	

REFER TO M. C. R. *219*

Benjamin S. Moore,
vs.
Choctaw Nation

MISSISSIPPI CHOCTAW, Case No. *R. 311*

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

M. C. R. # 341

Evidence:
"Benjamin Shannon"

Judgment:
"Benjamin S."

R. MANGELSDORF,

Choctaw MCR 312

MCR 312

Zelma M. Murphy

See MCR 219

A MISSISSIPPI CHOCTAW.

Germa. M. Murphy et al
REFUSED.

DECISION RENDERED: **JAN 29 1902**
RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R. *219*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 19th, 1900.

In the matter of the application of Zelma M. Murphy et al for identification as Mississippi Choctaws., and she being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Zelma M. Murphy.
Q How old are you? A Twenty-five.
Q You apply for identification as a Mississippi Choctaw?
A Yes sir.
Q Apply for any one besides yourself? A My husband.
Q What is his name? A Thomas J. Murphy.
Q Where do you live? A Sherman, Texas.
Q How long have you lived in Sherman? A All my life/
Q What is the name of your father? A Edwin Moore.
Q Is he living? A Yes sir/
Q Is he a white man? A. Yes sir.
Q What is the name of your mother? A Victoria S. Moore.
Q Is she living? A. Yes sir.
Q Does she claim any Choctaw Indian blood? A Mississippi Choctaw; yes sir.
Q What proportion of Choctaw blood does she claim? A One eighth.
Q Has she ever lived in the Indian Territory? A Not that I know of
Q Has she ever been recognized by the Choctaw tribal authorities as a Choctaw Indian? A No sir.
Q You never lived in the Indian Territory, or State of Mississippi?
A No sir.
Q Your name does not appear on any of the Choctaw tribal rolls, does it? A Not that I know of.
Q You have never been recognized by any of the Choctaw tribal authorities as a Choctaw citizen, have you? A No sir.
Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
Q Have you ever before appeared before this Commission? A No sir.
Q Are you married? A Yes sir.
Q Please give the name of your husband? A Thomas J. Murphy.
Q What is his age? A Twenty-six.
Q He is living? A Yes sir.
Q Do you clai, for him as a Mississippi Choctaw by blood or as an intermarried Choctaw? A By blood, but I do not know whether I ought to put it in as a Mississippi Choctaw by blood or inter-marriage.
Q What is the name of his father? A Thomas J. Murphy
Q Is he living? A No sir.
Q When did he die? A I do not know exactly; Mr. Murphy was only a small child when his father died; about twenty years ago.
Q Was he a white man of Choctaw Indian? A He was a Mississippi Choctaw.
Q What proportion of Choctaw blood did he claim? A I do not know.
Q Have you any idea? A No sir, I have not; I do not know whether Mr. Murphys grand father was a full blood or half breed.
Q You never saw your husband's father? A No sir.
Q What is the name of your husband's mother? A Mrs. H.P.Smith.
Q Is she living? A. Yes sir.
Q What proportion of Choctaw blood does she claim to have?
A She is a white woman.
Q What proportion of Choctaw blood does your husband claim? A I do not know.
Q Did he ever live in the State of Mississippi? A I do not know.
Q Do you know whether his parents ever lived in the State of Mississippi? A No sir, I do not.
Q Does your husband's name appear on any of the Choctaw tribal rolls? A Not that I know of.
Q Did he ever make application to the Choctaw tribal authorities for admission into the Choctaw Nation? A No sir, I think not.

Q Did he ever apply to this Commission, in 1896 for citizenship in the Choctaw Nation? A No sir.

Q Did he ever appear before this Commission? A Yes sir.

Q When and where? A Last year at Durant.

Q Have you any children? A No sir.

Q Where and when were you married to your husband?

A Sherman, Texas, December 28th, 1898.

Q Upon what treaty do you base your claim as a Mississippi Choctaw?

A I know very little about the Choctaws, but upon any of the treaties that would apply to my case.

Q You do not then base your claim upon any particular portion of any particular treaty between the Choctaw Indians and the United States government? A No sir.

Q Then you do not base your claim for identification as a Mississippi Choctaw, or the claim of your husband as a Mississippi Choctaw upon the fourteenth article of the treaty of 1830 between the United States and Choctaw Nation? A I do not know what to say.

Q Do you base your claim upon the supplement of that treaty?

A I do not know anything about that.

Q Did you or any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know.

Q Did your husband or any of his ancestors ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I do not know.

Q Did you ever receive any land as beneficiary under the fourteenth article of that treaty? A No sir.

Q Did any of your ancestors? A Not that I know of.

Q Do you not think it probable that if they had, you would have heard of it. A Yes sir, I think so.

Q You are certain you never heard of it? A Yes sir.

Q Do you know whether your husband ever received any land under the fourteenth article of the treaty of Dancing Rabbit Creek?

A He did not.

Q Do you know whether his ancestors did? A I do not.

Q Is there any additional statement in regard to your case you desire to make submit at this time? A I have some written testimony.

Any evidence you may desire to offer in evidence before this Commission at a later date can not receive the consideration of the Commission in connection with your application, but will be forwarded together with the record in this case to the honorable Secretary of the Interior, when the final rolls of Choctaw citizens are forwarded him for his approval.

A copy of the decision of the Commission in your case, in writing, will be furnished you at a later date, mailed to you at your present Post-office address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

Sworn to and subscribed before me this 30th day of June, 1900.


ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Zelma M. Murphy for the identification of herself and her husband, Thomas J. Murphy, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Zelma M. Murphy appeared before the Commission at Colbert, Indian Territory, June 19, 1900, and there made application for identification as a Mississippi Choctaw, and for the identification of her husband, Thomas J. Murphy, as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1896, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled

to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Zelma M. Murphy for herself and for her husband, Thomas J. Murphy, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

Mustang, Indian Territory, September 9, 1901.

Helma M. Murphy,
Sherman, Texas.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

Julia F. Moore, et al.,
Benjamin S. Moore,
Via Tolsen,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on June 19, 1900, you appeared before this Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November

E.M.M. 40

7th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 312

Muskogee, Indian Territory, January 6, 1902.

Zelma M. Murphy,
Sherman, Texas,

Dear wadam:

It appears from testimony taken at Atoka, Indian territory, on November 12, 1901, in the consolidated case of Julia A. King, et al. applicants for identification as Mississippi Choctaws, that a child has been born to you since the date of the making of your original application for the identification of yourself and your husband, Thomas J. Murphy, as Mississippi Choctaws.

There is inclosed you herewith a blank birth certificate which please fill out and return to the Commission in order that the record in your case may be complete. In filling out the application, please see that all names are written in full, and that the affidavits of the mother and the attending physician or nurse are acknowledged before a Notary Public and his seal and signature attached thereto. Kindly give this matter your early attention.

Yours truly,

MC 312

Commissioner in Charge.

B.C.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 14, 1902.

Thomas J. Murphy,
Kansas City, Missouri,

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of John Grant Murphy, infant son of Thomas J. and Zelma M. Murphy, born October 18, 1901. The affidavit of the mother and the physician at the birth of the child have been accepted as evidence of its birth and the same has been filed with and made a part of the original application of Zelma M. Murphy and Thomas J. Murphy for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

MC 312

Copy
Wichita, Kansas Territory, February 4, 1902.

Selma M. Murphy,

Kansas City, Missouri,

Dear Madam:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R.	219
Victoria Moore, et al.,	M.C.R.	220
Benjamin Shannon Moore,	M.C.R.	311
Selma M. Murphy, et al.,	M.C.R.	323
Vic Tolson,	M.C.R.	313
Inez Tolson,	M.C.R.	314
Julia Tolson Moore, et al.,	M.C.R.	315
Margaret Tolson, et al.,	M.C.R.	316
Stella E. Bruce, et al.,	M.C.R.	369
Clyde Shannon,	M.C.R.	437
Claude Shannon Fugh, et al.,	M.C.R.	438
Dugan Shannon, et al.,	M.C.R.	439
William Tolson,	M.C.R.	441
William M. Shannon,	M.C.R.	465
Walter Scott Shannon, et al.,	M.C.R.	472
Robert Easton Shannon, et al.,	M.C.R.	488
Lissie Ray, et al.,	M.C.R.	489
Pearl King,	M.C.R.	501
Inez Shannon Shivers, et al.,	M.C.R.	502
Robert Almer King, et al.,	M.C.R.	506
Zylla E. Moore Garcia,	M.C.R.	1064
Walter J. B. Richards, et al.,	M.C.R.	1091
Maud L. Dufuy, et al.,	M.C.R.	1095
Frank McDonald Richards,	M.C.R.	1094

S. M. 9

Said evidence, after a review of the evidence submitted, concludes as follows:

"The testimony voted in the Commission by the twenty three members of the act of Congress of June 22, 1908, is as follows:

"That the Commission shall have authority to determine the identity of Choctaw Indians entitled to the Choctaw lands under certain provisions of the laws between the United States and the Choctaw Nation concluded September twenty seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Helma M. Murphy, Thomas C. Murphy, John Grant Murphy, Via Tolson, Ines Tolson, Julia Tolson Moore, J. Ollie Moore, C. Corilla Moore, Gladys Moore, Margaret Tolson, Mervyl A. Tolson, Evelyn M. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon-Pugh, Winnie Pugh, Dugan Shannon, Henry Shannon, Lucille Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maude Elizabeth Shannon, Ray M. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Royler Shannon, Anna Bell Shannon, Lottie Lee Shannon, Lizzie Ray, Gladys Ray, Lucille Dammitt Ray, Pearl King, Ines Shannon Shivers, Frances Jane Shivers, Eylla Colleen Shivers, Pat Shivers, Robert Almer King, Robert Almer King, Jr., Vera King, John Irving King, Eylla N. Moore Cardin, Walter J. B. Richards, Claud Henry Richards, Murrell Richards, Maude E. Dufay, Margaret Dufay and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

M.C.R. 318
Registered.

(SIGNED)

Tamc Dixby.

Acting Chairman.

Muskogee, Indian Territory, April 9, 1902

Zelma M. Murphy,

Kansas City, Mo.

Dear Madam:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902

Yours truly,

Commissioner in Charge

FILED
JUN 19 1980
COMMISSION TO FIVE TRIBES.

MEMORANDA.

Texas

(Date)

1899.

Name

MISSISSIPPI CHOCTAW.

Choctaw?

County

Year

No.

Chickasaw

County

Year

Page

Citizen by blood?

Mother's citizenship CHOCTAW.

Intermarried citizen?

Married under what law?

filed this day,

Wife's name.

MISSISSIPPI CHOCTAW.

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

MISSISSIPPI CHOCTAW.

MISSISSIPPI CHOCTAW.

County

Year

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No.

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.

(Mother) - Edward Moore

(Father) - Victoria P. Miller

(Mother) - Thomas J. Miller

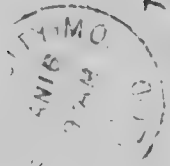
(Mother) - H. P. Smith

MISSISSIPPI CHOCTAW.

MISSISSIPPI CHOCTAW.

DEAD

J. J. Murphy
2034 Hickman



opened by
mistake



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

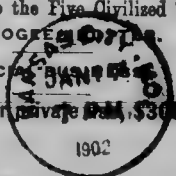
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FEB 17 1902

ACTING CHAIRMAN

312

KANS.



Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, OKLA.

OFFICE OF THE AGENT

Postally for private mail, \$300.

1902

FOR TRIAL

JAN 15 1902

Mr Thomas J. Murphy
Kansas City
Mo. 76 Missouri

Choctaw MCR 313

Vic Tolson

MCR 313

See MCR 219

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

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W. C. Tolson
REFUSED.

DECISION RENDERED • JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R. 219

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Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

In the matter of the application of Vic Tolson for the enrollment of himself only as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q What is your name? A Vic Tolson.
- Q What is your age? A 21.
- Q What is your post office address? A Sherman, Texas.
- Q How long have you lived in Texas? A All my life.
- Q Were you born there? A Yes, sir.
- Q Did you ever live in Mississippi? A No, I never did.
- Q Did you ever live in the Indian Territory? A No, sir.
- Q What is your father's name? A Calvin C. Tolson.
- Q Is he living? A No, sir.
- Q Was he a white man or a Choctaw indian? A He was a white man.
- Q What is your mother's name? A Margaret Tolson.
- Q Is she living? A Yes, sir.
- Q Is she a Choctaw indian or a white woman? A She claims to be a Choctaw.
- Q What proportion of Choctaw blood does she claim to have? A 1/8.
- Q Has her name ever been upon the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Has she ever been recognized by the Tribal authorities as a Choctaw? A No, not that I know of.
- Q What proportion of Choctaw blood do you claim to have? A 1/16.
- Q Has your name ever appeared upon the tribal rolls of the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the tribal authorities as a Choctaw? A No, sir.
- Q Did you ever apply to the tribal authorities for enrollment as a Choctaw indian? A No, sir.
- Q Did you ever apply to the Dawes Commission in 1896? A No, sir.
- Q This is your first application then? A Yes, sir.
- Q What makes you think you are a Mississippi Choctaw? A I know my mother was.
- Q Under which treaty do you claim identification as a Mississippi Choctaw? A I don't know much about the treaties myself.
- Q Under which treaty do you claim as a Mississippi Choctaw; you don't know much about the treaties? A No, sir.
- Q Are you claiming under any certain treaty or under all the treaties? A Not under any particular treaty, just under the ones that apply to my case.
- Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of your ancestors? A Not that I know of.
- Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek or the Treaty of 1830? A No.
- Q Did any of your ancestors? A Not that I know of.
- Q Is there any additional statement in regard to your case you would like to make at this time? A No, I believe not, I have some papers I would like to file later.
- Q You will be permitted to offer any additional evidence in the form of statements, affidavits, or other proper papers that you desire to, within a reasonable time.


The decision of the Commission is withheld. On the receipt of your papers and the rendition of the judgment of the Commission, you will be furnished with a copy of the decision, mailed to your present post office address.

Vic Tolson - 2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 30th day of June, 1900.


Commissioner.

**DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Vic Tolson for
identification as a Mississippi Choctaw.

The applicant, Vic Tolson, appeared before the Commission at Colliert, Indian Territory, June 10th, 1900, and from her oral testimony given at that time in behalf of her claim for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That ~~her~~ claim to recognition as a citizen of the Choctaw Nation is by reason of her right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1900, (Curtis Bill), and is as follows, to wit:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or encumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of her personal appearance before this Commission for examination, and the written evidence submitted by her in support of ~~her~~ application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify her as a Mississippi Choctaw entitled to rights in the Choctaw Lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of Vic Tolson, is hereby refused.

BY THE COMMISSION.

Muskogee, Indian Territory, September 5th 1900.

Muskogee, Indian Territory, September 9, 1901.

Vic Tolson,

Sherman, Texas.

Dear Madar:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 1st, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded to the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory on Thursday November 7th, 1901 at 9 o'clock A. M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M. C. 313.

COPY.

Muskogee, Indian Territory, February 4, 1902.

Vic Tolson,

Cheraman, Texas,

Dear Madam:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R.	219
Victoria Moore, et al.,	M.C.R.	320
Benjamin Shannon Moore,	M.C.R.	311
Zelma W. Murphy, et al.,	M.C.R.	312
Vic Tolson,	M.C.R.	313
Inez Tolson,	M.C.R.	314
Julia Tolson Moore, et al.,	M.C.R.	315
Margaret Tolson, et al.,	M.C.R.	316
Stella F. Bruce, et al.,	M.C.R.	369
Glyde Shannon,	M.C.R.	437
Alfred Shannon Pugh, et al.,	M.C.R.	438
Bryan Shannon, et al.,	M.C.R.	439
William Tolson,	M.C.R.	441
William M. Shannon,	M.C.R.	466
Walter Scott Shannon, et al.,	M.C.R.	470
Robert Aaron Shannon, et al.,	M.C.R.	468
Lizzie Ray, et al.,	M.C.R.	469
Pearl King,	M.C.R.	501
Inez Shannon Shivers, et al.,	M.C.R.	502
Robert Almer King, et al.,	M.C.R.	1068
Zylla H. Moore Cardin,	M.C.R.	1064
Walter J. B. Richards, et al.,	M.C.R.	1091
Maude L. DuPuy, et al.,	M.C.R.	1093
Frank McDonald Richards,	M.C.R.	1094

V.T. 2

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 25, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma N. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Susan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maud Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Gaston Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lillie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Fat Shivers, Robert Almer King, Robert Almer King, Jr., Vera King, John Irving King, Zylla K. Moore Gardin, Walter J. B. Richards, Claude Henry Richards, Marrell Richards, Maud E. DuFuy, Margaret DuFuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M.C.F. 313
Registered.

M.C.R. 313

Muskogee, Indian Territory, April 9, 1902

Vic Tolson,

Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge

Vic Tolson.
^{vs.}
Choctaw Nation

MISSISSIPPI CHOCTAW. Case No. R. 319.

*Original testimony and all papers filed in
this case forwarded Secretary of Interior,*

DEC 3 1900

CHOCTAW. (Miss) ($\frac{1}{2}$)

JUN 9 1900

Vic Tolson. (21)

Sherman, Texas.

(Father) Calvin Tolson. $\frac{1}{2}$

(Mother) Margaret Tolson. $\frac{1}{2}$

(Seal)

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Holbert, I. T.
June 19, 1900.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
REFUSED. *Ref* 313

Vie Tolson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED, APPLICANT.
SEP 7 1900

[Signature]
ACTING CHAIRMAN

40

71636	Indian Office.	1900
	Incl. No. 295	

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

Choctaw MCR 314

MCR 314

Inez Tolson

See MCR 219

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

F314

Amey Tolson
REFUSED.

DECISION RENDERED. JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R.

219

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 19th, 1900.

In the matter of the application of Inez Tolson for identification as a Mississippi Choctaw, and ~~she~~ being sworn by Acting Chairman, Toms Bixby, testified as follows:

Q What is your name? A Inez Tolson.

Q Your age? A Twenty-five.

Q You apply for identification as a Mississippi Choctaw? A Yes sir.

Q For yourself alone? A Yes sir.

Q Where do you live? A Sherman, Texas.

Q How long have you lived there? A All my life.

Q Never have lived in Mississippi or the Indian Territory?

A No sir; I was born and raised in Sherman.

Q What is the name of your father? A Calvin C. Tolson.

Q Is he living? A No sir.

Q When did he die? A In 1892.

Q White man or Choctaw? A White man.

Q What is the name of your mother? A Margaret Tolson.

Q Is she living? A Yes sir.

Q Is she a white woman, or does she claim Choctaw blood?

A Choctaw blood.

Q What proportion? A One eighth.

Q What proportion do you claim? A One eighth.

Q Did your mother ever live in the Indian Territory? A No sir.

Q Ever live in Mississippi? A No sir.

Q She has never been recognized by the tribal authorities of the Choctaw Nation as a Choctaw citizen? A No sir.

Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation? A No sir.

Q Have you ever appeared before this Commission for identification as a Mississippi Choctaw, or enrollment as a Choctaw Indian?

A I never have.

Q Under what treaty do you claim as a Mississippi Choctaw?

A Under any treaty that applies to my case.

Q Did you ever read any treaty between the United States and Choctaw Nation? A Not a great deal.

Q You do not base your claim then upon any particular article of any particular treaty? A No sir.

Q You do not base your claim on the nineteenth article of the treaty of 1830? A No sir.

Q You do not base your claim on the fourteenth article of the treaty of 1830? A No sir.

Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A If I have, I do not know it.

Q Did any of your ancestors ever take advantage of that article?

A I do not know.

Q Do you think you would have heard it, if they had?

A I think I would; I think it likely that they did before coming west, but I am not certain.

Q Did you ever claim or receive any land as beneficiary under the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever receive any land under the provisions of this article of the treaty of 1830? A I do not know.

Q Do you think you would have heard it if they had? A I do not know.

Q If they ever did, you never heard of it? A No sir.

Q Are you single? A Yes sir.

Q Is there any additional statement in regard to your case you desire to make at this time? A No sir.

Q Any papers you desire to file with the Commission at this time?

A No sir, not just now.

Any papers which you may submit to the Commission at a later date will not receive the consideration of the Commission in deciding your application, but will be forwarded to the honorable Secretary

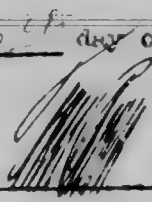
of the Interior for his consideration, together with the record in your case, when the final rolls of citizens of the Choctaw Nation are forwarded him for his approval.

A copy of the decision of the Commission with reference to your application will be furnished you at a later date, mailed to you at your present Post-office address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 30th day of June
1900.



ACTING CHAIRMAN.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Greg Gibson

*2110K
#314*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Inez Tolson for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Inez Tolson, appeared before the Commission at Colbert, Indian Territory, June 19, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Inez Tolson, for identification as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.


Acting Chairman.

FEB 19 1901

Muskogee, Indian Territory, September 9, 1901.

Inez Tolson,

Sherman, Texas.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

Julia T. Moore, et al.,
Benjamin S. Moore,
Vic Tolson,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on June 19, 1900, you appeared before this Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901,

I.T. #2

at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 314

COPY.

Muskogee, Indian Territory, February 4, 1902.

Inez Tolson Breager,
Sherman, Texas,

Dear Madam:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R. 219
Victoria Moore, et al.,	M.C.R. 220
Benjamin Shannon Moore,	M.C.R. 311
Zelma M. Murphy, et al.,	M.C.R. 312
Vio Tolson,	M.C.R. 313
Inez Tolson,	M.C.R. 314
Julia Tolson Moore, et al.,	M.C.R. 315
Margaret Tolson, et al.,	M.C.R. 316
Stella E. Bruce, et al.,	M.C.R. 369
Clyde Shannon,	M.C.R. 437
Claude Shannon Pugh, et al.,	M.C.R. 438
Dugan Shannon, et al.,	M.C.R. 439
William Tolson,	M.C.R. 441
William M. Shannon,	M.C.R. 466
Walter Scott Shannon, et al.,	M.C.R. 472
Robert Easton Shannon, et al.,	M.C.R. 488
Lizzie Ray, et al.,	M.C.R. 489
Pearl King,	M.C.R. 501
Inez Shannon Shivers, et al.,	M.C.R. 502
Robert Alner King, et al.,	M.C.R. 868
Zylla H. Moore Cardin,	M.C.R. 1064
Walter J. R. Richards, et al.,	M.C.R. 1091
Maude L. DuPuy, et al.,	M.C.R. 1093
Frank McDonald Richards,	M.C.R. 1094

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows: 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moors, J. Ollie Moore, G. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William Shannon, W. Scott Shannon, Maude Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King, Jr., Vera King, John Irving King, Zylla H. Moore Gardin, Walter J. B. Richards, Claud Henry Richards, Murrell Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, April 9, 1902

Inez Tolson Creager,
Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge.

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

MISSISSIPPI CHOCTAW.

Name Wm. J. Jones (Date) June 1st 1885
 Choctaw? Yes County Worth Year 1885 No.
 Chickasaw? No County " Year 1876 Page
 Citizen by blood? Yes Mother's citizenship CHOCTAW.
 Intermarried citizen? No

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

FOR IDENTIFICATION AS
 A MISSISSIPPI CHOCTAW.
*Person left - never and never
 given before this time 1900
 19th day of June 1900
 J. J. Jones*

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

MISSISSIPPI CHOCTAW.

(father) - Wm. J. Jones
 (mother) - Wm. J. Jones

MISSISSIPPI CHOCTAW.

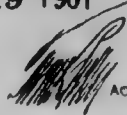
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. *P 314*
REFUSED.

Wm. T. Tolson

JUDGMENT WRITTEN SEPT. 15.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 19 1901



ACTING CHAIRMAN.

*Reference to
Mr. J. A. King*

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

Choctaw MCR 315

Julia J. Moore

MCR 315

See MCR 219

A MISSISSIPPI

Julia J. Moore et al.
REFUSED.

DECISION RENDERED. **JAN 29 1902**

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R. 219

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 19, 1900.

In the matter of the application of Julia Tolson Moore for identification as a Mississippi Choctaw; being sworn and examined. Acting Chairman Bixby she testifies as follows:

Q What is your name? A Julia Tolson Moore.

Q What is your age? A Thirty-three.

Q What is your post-office address? A Sherman, Texas.

Q Have you ever lived in the Indian Territory? A No sir.

Q How long have you lived in Texas? A All my life.

Q Did you ever live in Mississippi? A No sir.

Q Were you born in Texas? A Yes sir.

Q What is the name of your father? A Calvin C. Tolson.

Q Is he living? A No sir.

Q Was he a white man or a Choctaw Indian? A White man.

Q What is the name of your mother? A Margaret Tolson.

Q Is she living? A Yes sir.

Q Does she claim to be a Choctaw? A Yes sir.

Q Has her name ever been upon the Tribal rolls of the Choctaw Nations? A No sir.

Q Has she ever been recognized by the tribal authorities as a Choctaw? A No sir. I suppose not.

Q How much Indian blood do you claim to have? A About one-sixteenth.

Q Has your name ever been upon the tribal rolls of the Choctaw Nations? A No sir.

Q Have you ever been recognized by the tribal authorities as a Choctaw? A No sir.

Q Did you ever apply to the tribal authorities for enrollment as a Choctaw? A No sir.

Q Did you apply to the Dawes commission in the year 1898? A No sir.

Q Was this your first application? A First application.

Q Under which treaty do you claim to be a Mississippi Choctaw?

A Really I don't know anything about the treaties, I didn't know it would be necessary to investigate about that matter.

Q You are not claiming then under any particular treaty?

A I guess not, I don't know about that.

Q Did you ever take advantage of the provisions of the 16th article of the Treaty of 1830? A No I have never had anything to do with it.

Q Did any of your ancestors? A Really I don't know.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 16th article of the Treaty of 1830? A No sir.

Q Did any of your ancestors? A I really don't know about that. My ancestors, some of them, were-- I don't know, but very likely about them. They have been dead so long.

Q You don't know of any of your ancestors having received any land in Mississippi as beneficiaries under this treaty? A No sir.

Q What is your husband's name? A John H. Moore.

Q Is he living? A No sir.

Q Where did you marry him? A In Sherman, Texas.

Q Have you your marriage license and certificate? A We have them at home.

Q Do you care to file it in evidence? A If it is necessary.

I have it, I didn't suppose you would want it, I didn't know, if it is necessary I can file with the other papers.

Acting Chairman Bixby: That is for you to determine.

Applicant: Is it necessary? Do you want it? That is the only question with me.

Q Are your children living with you? A Yes sir.

Julia Tolson Moore

Q Their residence and post-office address has always been the same as yours? A Yes sir.

Q What are the names and ages of your children?

A J. Willie Moore, eleven; C. Garfield Moore, ten; Gladys Moore, seven.

Q Is there any additional statement in regard to your application that you would like to make at this time? A We have our papers that we want to file a little later; we are not quite ready for them.

Acting Chairman Bixby: We will receive any papers that you may be pleased to file.

Decision withheld.

Upon receipt of your papers the Commission will arrive at a decision in regard to your case, and a copy of same will be furnished you in writing mailed to your present post-office address.

J. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 3rd day of July 1901.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Julia T. Moore and her three minor children for identification as Mississippi Choctaws.

The applicant, Julia T. Moore, appeared before the Commission at Colbert, Indian Territory, June 19th, 1900, and at that time made application for the identification of herself and her three minor children Jay Ollie, C. Curtis, and Gladys Moore as Mississippi Choctaws.

It appears from the evidence in this case that the names of the applicants, Julia T. Moore and her three minor children have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislative vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw Lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1896, (Curtis Bill), and is as follows, ~~it~~ to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony of J. B. [unclear] of the applicants given at the time of J. B. [unclear]'s personal examination before this Commission for examination, and the written statement submitted by her in support of this application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

The application for identification of J. B. [unclear] and her two minor children, Jay Willie, W. Curtis and Mildred [unclear], Mississippi Choctaws, is hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muscogee, Indian Territory, June 14, 1906.

Muskogee, Indian Territory, September 9, 1901.

Julia T. Moore,

Sherman, Texas.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and three minor children, you are informed that under date of August 1st, 1901, the Commissioner of Indian Affairs remanded to this Commission, the record theretofore forwarded to the department for approval with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory on Thursday November 7th, 1901 at 9 o'clock A. M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M. C. 315.

COPY.

Muskogee, Indian Territory, February 4, 1902.

Julia Tolson Moore,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R. 219
Victoria Moore, et al.,	M.C.R. 220
Benjamin Shannon Moore,	M.C.R. 311
Zelma M. Murphy, et al	M.C.R. 312
Vie Tolson,	M.C.R. 313
Inez Tolson,	M.C.R. 314
Julia Tolson Moore, et al.,	M.C.R. 315
Margaret Tolson, et al.,	M.C.R. 316
Stella E. Bruce, et al.,	M.C.R. 369
Glyde Shannon,	M.C.R. 437
Claude Shannon Pugh, et al.,	M.C.R. 438
Dugan Shannon, et al.,	M.C.R. 439
William Tolson,	M.C.R. 441
William M. Shannon,	M.C.R. 466
Walter Scott Shannon, et al.,	M.C.R. 472
Robert Easton Shannon, et al.,	M.C.R. 488
Lizzie Ray et al.,	M.C.R. 489
Pearl King,	M.C.R. 501
Inez Shannon Chivers, et al.,	M.C.R. 502
Robert Alner King, et al.,	M.C.R. 868
Zylla H. Moore Cardin,	M.C.R. 1064
Walter J. B. Richards, et al.,	M.C.R. 1091
Maud L. DuPuy, et al.,	M.C.R. 1093
Frank McDonald Richards,	M.C.R. 1094

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the Act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucille Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maude Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King Jr., Vera King, John Irving King, Zylla H. Moore Cardin, Walter J. B. Richards, Claud Henry Richards, Murrell Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on

J M T 2

this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamc Dixby.*

Acting Chairman.

M.C.P. 315
Registered.

Muskogee, Indian Territory, April 9, 1902

Julia Tolson Moore,
Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge

Julia T. Moore et al.
vs.
Choctaw Nation.

MISSISSIPPI CHOCTAW.

Case No. *R. 315*

Original testimony and all papers filed in
this case forwarded Secretary of Interior,

DEC 3 1900

CHOCTAW. (Miss)

JUN 19 1900

Julia T. Moore,
Sherman, Texas.

(Father) Calvin C. Tolson.

(Mother) Margaret Tolson.

(Husband) John H Moore.

11. Jay Ollie. (7).
10. C. Curtis. (m).
7. Gladys. (m).

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Colbert, I. T.
June 19, 1900.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

P# 315

REFUSED.

Julia D. Morris et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED TO PETITIONER.

JAN 1 1900


ACTING CHAIRMAN

40

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	Incl. N ^o 297	

RECORD FORWARDED DEPARTMENT.

FEB 4. 1902

Choctaw MCR 316

Margaret Tolson

MCR 316

See MCR 219

MISSISSIPPI CHOCTAW.

Margaret Tolson et al
REFUSED.

DECISION RENDERED. JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

APR 9 1902

REFER TO M. C. R. 219

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 19, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Margaret Tolson and her minor child. Margaret Tolson being first duly sworn by Acting Chairman, Bixby, testified as follows:

- Q What is your name? A Margaret Tolson.
Q What is your age? A Fifty-nine.
Q What is your postoffice address? A Sherman, Texas.
Q You live at Sherman? A Yes sir.
Q What is your father's name? A Thomas J. Shannon.
Q Is he living? A No sir.
Q What is your mother's name? Eliza Shannon.
Q Through which one of your parents do you claim your rights to Choctaw citizenship? A Through my father.
Q Is your father on any of the tribal rolls of the Choctaw Nation?
A I don't know.
Q Do you know whether he was ever recognized by the Choctaw tribal authorities? A No sir, I do not, he has been dead a long time; I don't know.
Q Is your name on any of the Choctaw tribal rolls? A No sir.
Q Have you ever applied to the tribal authorities of the Choctaw Nation for citizenship? A No sir.
Q Have you ever applied to the Commission to the Five Civilized Tribes, under the Act of June 10th, 1896 for citizenship? A No sir.
Q Have you ever made an application to this Commission for enrollment prior to this time? A No sir.
Q This, then, is your first appearance? A Yes sir.
Q You claim as a Mississippi Choctaw? A Yes sir.
Q Do you claim under the 14th article of the treaty of Dancing Rabbit Creek? A Really, I don't know; I don't know what that treaty is, but I claim under all of them.
Q I understand you then to make this claim as to your right to identification as a Mississippi Choctaw under all the treaties between the United States and the Choctaw Nation? A Yes sir, all that might apply to my case.
Q Do you claim anything under the 15th article of the treaty of Dancing Rabbit Creek? A I don't know what that is.
Q Do you claim under the 19th article of the treaty of Dancing Rabbit Creek? A I don't know.
Q Do you make any claim under the supplement to the treaty of 1830?
A If it applies to my case.
Q Have you ever read that treaty? A No sir.
Q You don't know what it provides? A No sir.
Q Are you married? A I have been; he's dead.
Q What was your husband's name? A Calum C. Tolson.
Q He is dead is he? A Yes sir.
Q Have you any children under 21 years of age and unmarried? A I have one.
Q What is its name? Myrtle A. Tolson, aged 18.
Q Does she live with you at your home? A Yes sir.
Q You are her natural guardian? A Yes sir.
Q She has always lived with you? A Yes sir.
Q You said you lived in Texas? A Yes sir.
Q Have you always lived in Texas? A I lived in Indian Territory awhile in '59.
Q With that exception you have lived in Texas? A Yes sir.
Q Did you or any of your ancestors ever claim or receive any land in

Margaret Tolson -2-

Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q I did ask you how long you have lived in Texas? A 59 Years.

Q You lived in Indian Territory a while in 1859; how long did you live in Indian Territory in 1859? A Two months.

Q Upon which of your ancestors do you base your claim as a Mississippi Choctaw? A My grand mother.

Q Did she live in the Choctaw Nation in Mississippi? A I think so, am not positive.

Q What was her name? A Elizabeth Barnett, was her maiden name.

Q Do you know if she lived in the Choctaw Nation in Mississippi in 1830, and do you know whether she was ever recognized by the Choctaw authorities in Mississippi? A I am not certain.

Q Are there any additional statements that you desire to make at this time? A Yes, we have proof we desire to submit later on.

Any written statements, affidavits or testimony which you may submit to the Commission in the future will not be for the consideration of this Commission but will be forwarded to the Honorable Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for approval. Testimony taken at this time and any evidence which you may submit now will be considered by the Commission and will also be forwarded to the Secretary of the Interior for his consideration.

Q Are there any papers that you desire to submit at this time? A No sir.

Q The decision of the Commission as to your claim for identification as a Mississippi Choctaw on your own behalf and on behalf of your daughter Myrtle A for identification as a Mississippi Choctaw will be mailed to you in the near future at your present postoffice address.

Q What is your street address in Sherman, Texas? A 406 South Crockett.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of Aug, 1900.


Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Margaret Faison
et al

mer
#316.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Tolson for the identification of herself and her minor child Myrtle A. Tolson, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Margaret Tolson, appeared before the Commission at Colbert, Indian Territory, June 19, 1900, and there made application for the identification of herself and her minor child Myrtle A. Tolson, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Margaret Tolson for herself and her minor child Myrtle A. Tolson, as

Mississippi Choctaws, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1901


Acting Chairman.

Muskogee, Indian Territory, September 9, 1901.

Margaret Tolson,
Sherman, Texas.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

Julia T. Moore, et al.,
Benjamin S. Moore,
Vie Tolson,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on June 19, 1900, you appeared before this Commission at Colbert, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901,

M.T. #2

at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 316

COPY.

Muskogee, Indian Territory, February 4, 1902.

Margaret Tolson,
406 S. Crockett St.,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 29th day of January 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R.	319
Victoria Moore, et al.,	M.C.R.	220
Benjamin Shannon Moore,	M.C.R.	311
Zelma M. Murphy, et al	M.C.R.	312
Vic Tolson,	M.C.R.	313
Inez Tolson,	M.C.R.	314
Julia Tolson Moore, et al.,	M.C.R.	315
Margaret Tolson, et al.,	M.C.R.	316
Stella R. Bruce, et al.,	M.C.R.	369
Clyde Shannon,	M.C.R.	437
Claude Shannon Pugh, et al.,	M.C.R.	438
Dugan Shannon, et al.,	M.C.R.	439
William Tolson,	M.C.R.	441
William M. Shannon,	M.C.R.	466
Walter Scott Shannon, et al.,	M.C.R.	472
Robert Easton Shannon, et al.,	M.C.R.	488
Lizzie Ray, et al.,	M.C.R.	489
Pearl King,	M.C.P.	501
Inez Shannon Shivers, et al.,	M.C.P.	502
Robert Alner King, et al.,	M.C.P.	502
Zylla H. Moore Cardin	M.C.P.	868
Walter J. B. Richards, et al.,	M.C.P.	1064
Maude L. DuPuy, et al.,	M.C.R.	1091
Frank McDonald Richards,	M.C.R.	1093
	M.C.P.	1094

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curt's Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella R. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William M. Shannon, W. Scott, Shannon, Maude Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King Jr., Vera King, John Irving King, Zylla H. Moore Cardin, Walter J. R. Richards, Claud Henry Richards, Murrell Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary:

You are further advised that the Commission has on

W T 3

this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Samuel D. Dwyer

M.C.F.316.
Registered.

Acting Chairman.

M.C.R. 316

Muskogee, Indian Territory, April 9, 1902

Margaret Tolson,
Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge.

FOR IDENTIFICATION AS
A MEMBER OF THE CHOCTAW. *PS 16*

REFUSED.

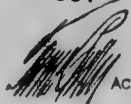
Margaret Tolson et al
Judgment Written Feb'y 8, 1901.

G.R.

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 14 1901



ACTING CHAIRMAN

*Reference to
MAR 219 Julia A King*

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

FILED

JUN 19 1900

COMMISSION TO FIVE TRIBES.

MEMORANDA.

(Date) *1899*

Name *Wm. J. D. ...*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship *Wm. J. D. ...*

Intermarried citizen? *Wm. J. D. ...*

Married under what law? *Claimed under ...*

License filed this day *...*

Wife's name, *...*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship *...*

Intermarried citizen? *...*

Married under what law? *...*

License filed this day *...*

Names of children:

Name	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.

Choctaw MCR 317

John W. Watson

MCR 317

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 19, 1900.

In the matter of the application of John W. Watson for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby the testimony is as follows:

- Q What is your name? A John W. Watson.
Q What is your age? A I was born in 1838, July 13th.
Q What is your post-office address? A Buckhorn, I. T.
Q How long have you lived in the Indian Territory? A About nine years.
Q Where did you live before coming to the territory?
A I lived in Texas.
Q How long had you lived in Texas? A My father moved to Texas sometime in 1840,--come
Q Where did ~~my father~~ come from? A Come from Louisiana.
Q You were born in Louisiana? A Yes sir.
Q Did you ever live in Mississippi? A Never did live there.
Q What is your father's name? A William Watson.
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A He was a Choctaw Indian by blood.
Q What proportion of Choctaw Indian blood does he claim to have?
A One-half.
Q Was his name ever on the Tribal rolls of the Choctaw nation?
A He never was in this country that I know of.
Q Do you know whether or not he was ever recognized as a Choctaw?
A I guess he was, he was a soldier; he drewed rations.
Q He was a soldier of the United States? A Yes sir I guess he was. That was before my time, and I don't recollect that, I have heard it from my father, I don't know further back than I have been taught.
Q What is your mother's name? A Sealy Watson.
Q Is she living? A No sir.
Q Was she a white woman? A No sir.
Q She was a Choctaw? A She was a Choctaw.
Q What proportion of Choctaw blood did she have? A Her mother was a full blood Choctaw, married a white man.
Q What proportion of Choctaw blood do you claim to have?
A From my understanding I would claim one-half.
Q Was your name ever appeared upon the Tribal rolls of the Choctaw nation? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A I couldn't say that I ever had, I went before them and was just denied by not being on the Choctaw roll.
Q When was that? A 7th day of last August.
Q Went before the Tribal authorities? A No sir, Dawes Commission.
Q I am asking you about the Tribal authorities? A You never did apply to them? A No sir.
Q Did you apply to the Dawes Commission in the year 1896?
A No sir.
Q You did appear before this Commission last August? A I was there, yes sir.
Q Where was that? A At Calvin.
Q Did you offer any testimony at that time? A No sir, it was just denied.
Q Under which Treaty do you claim as a Mississippi Choctaw?
A I don't understand the treaties, I can't read and I never read of them and I never heard of them.
Q Do you know whether you claim under any certain treaty or not?
A I claim from the first treaties on down.

John W. Watson "2

Q On down to the present time? A Yes sir.
I claim the blood from the beginning.

Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1855? A No sir, never did.

Q Did any of your ancestors? A Not that I know of.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of 1855? A No sir.

Q Did any of your ancestors? A No sir, I don't think they did.

Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.

Q Have you any papers you would like to file for the consideration of the commission? A Not at present.

You will be permitted to file any additional evidence in the form of statements or affidavits if filed before the Commission leaves this place.

Decision withheld.

You will be furnished with a copy of the decision of the Commission, in writing, mailed to your present post-office address.

W.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

W.D. Green

Subscribed and sworn to before me this 2nd day of July 1900.



Acting Chairman.

REFER TO M. C. N. 317

John W. Watson
et al

Consolidated Cores

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for identification
as a Mississippi Choctaw of John W. Watson, M.C.R. 317.

In the matter of the application for identification
as Mississippi Choctaws of Samuel J. Watson et al., M.C.R. 319.

In the matter of the application for identification
as a Mississippi Choctaw of Lewis Michael Watson, M.C.R. 320.

In the matter of the application for identification
as Mississippi Choctaws of John W. Watson Jr. et al., M.C.R. 321.

In the matter of the application for identification
as Mississippi Choctaws of Francis M. Watson et al., M.C.R. 322.

In the matter of the application for identification
as a Mississippi Choctaw of James T. Watson, M.C.R. 324.

In the matter of the application for identification
as Mississippi Choctaws of William L. Watson et al., M.C.R. 444.

All of the applicants herein claiming as Mississippi Choctaws by blood, claim Mississippi Choctaw descent from paternal and maternal ancestors as follows, to wit: Dicey Dykes an alleged full blood Mississippi Choctaw married John Watson a white man, who were the parents of Sealy Watson who married William Watson an alleged one-half blood Choctaw. William Watson and his wife Sealy Watson, it is claimed, were both possessed of one-half Choctaw blood and were the parents of

William Watson, deceased,
John W. Watson, applicant.

The following descendants of William Watson and his wife Sealy Watson appear of record as applicants for identification as Mississippi Choctaws by blood:

(2)

Children and grandchildren of
William Watson, deceased.

(William L. Watson
(and his children
(Claude Watson
(Myrtle Watson
(Floyd Watson
(Barney Watson
(Rosy Watson
(Lewis Watson
(Stella Watson
(Susan Maude Watson

John W. Watson, (applicant) his
children and grandchildren.

(Francis M. Watson
(and his children
(John Earnest Watson
(Leroy Watson
(
(John W. Watson Jr.
(and his children
(Annie Lee Watson
(Josie Watson
(Tanzy Watson
(
(Samuel J. Watson
(and his children
(Ora Bell Watson
(Lillie May Watson
(
(James T. Watson
(
(Lewis Michael Watson

Applicants for identification as intermarried Mississippi
Choctaws:

M.C.R. 322, Abigail Watson, wife of Francis M. Watson.

With respect to this case the proof shows that the appli-
cant is a white person not possessed of Choctaw Indian blood.

-----Residence-----

All of the applicants herein testify to a residence in the
Indian Territory, of six, seven and nine years.

The proof submitted in these cases is the oral testimony of
applicants and affidavits of Katherine Franklin, Charles Smith,
James H. Womack, N. B. Storey and John W. Watson, and certified
copies of affidavits of Charles Lane, Charles Smith, Alsie Ervin
and Prime Harvey.

(3)

Affiants Prime Harvey, Alsie Ervin and Charles Lane aver that they were acquainted in Mississippi with ancestors of the senior applicant, John W. Watson, Nancy Dykes a full blood Choctaw Indian who married a white man by the name of John Watson, and knew their daughter Celia Watson who married a one-half Choctaw Indian by the name of William Watson.

Affiants Charles Smith, Katherine Franklin and James H. Womack aver to their acquaintance in Mississippi with the ancestors of applicants and also aver as to the descent claimed by the applicants from said ancestors.

The principal applicant, John W. Watson, the senior in age of all the other applicants, makes averment to the blood relationship existing between himself and all the other applicants herein.

The principal applicant, John W. Watson, testifies orally that he was born in the state of Louisiana, July 11, 1838; that his father moved from the state of Louisiana to the state of Texas in 1840 and he (the applicant) lived in said state of Texas until his removal to the Indian Territory, where he has resided for about nine years. All of the other applicants herein testify that they were born in the state of Texas and that they resided in said state until their removal to the Indian Territory.

There is no evidence offered, either oral or documentary, tending to show that the ancestors through whom the applicants claim their right to identification as Mississippi Choctaws, were recognized members of the Choctaw tribe of Indians and resided with said Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, 27th of September, 1830. Nor is there any proof offered, either oral or documentary, tending to show any act of compliance on the part of ancestors of applicants with any of the provisions of article fourteen of said treaty of 1830.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Watson,
et al., for identification
as Mississippi Choctaws,

consolidating the applications of

John W. Watson,	M.C.R.317;
Sambel J. Watson, et al.,	M.C.R.319;
Lewis Michael Watson,	M.C.R.320;
John W. Watson, (Jr.) et al.,	M.C.R.321;
Frances M. Watson, et al.,	M.C.R.322;
James T. Watson,	M.C.R.324;
William L. Watson, et al.,	M.C.R.444;
Rhoda Hallmark, et al.,	M.C.R.365;
Susan Jane Cousins, et al.,	M.C.R.462;
Mary L. Moore,	M.C.R.47.

List of papers forwarded to the Secretary of the Interior, with the record in the above case, together with the page occupied by each in said record.

	page
Original application of John W. Watson before the Dawes Commission for identification as a Mississippi Choctaw,	1
Affidavit of Katharine Franklin,	3
Affidavit of Charles Smith,	4
Affidavit of James H. Romack,	5

	page
Affidavit of Chas. Lane,	6
Affidavit of Alsie Ervin,	7
Affidavit of Prime Harvey,	8
Affidavit of Chas. Lane,	9
Affidavit of Prime Harvey,	10
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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 6, 1902.

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In the matter of the consolidated case of John W. Watson et al., applicants for identification as Mississippi Choctaws, embracing the cases of

John W. Watson,	M.C.R. 317
Lewis Michael Watson,	M.C.R. 320
John W. Watson Jr. et al.,	M.C.R. 321
Samuel J. Watson et al.,	M.C.R. 319
Francis M. Watson et al.,	M.C.R. 322
James T. Watson,	M.C.R. 324
William L. Watson et al.,	M.C.R. 444
Rhoda Hallmark et al.,	M.C.R. 363
Susan J. Cousins et al.,	M.C.R. 462
Mary L. Moore,	M.C.R. 470

In accordance with the letter of the Commissioner of Indian Affairs of August 2, 1901, remanding to this Commission for further hearing the case of Francis M. Watson et al., the case of this applicant has been combined with the cases of John W. Watson, John W. Watson Jr. et al., James T. Watson, William L. Watson et al., Samuel J. Watson et al., Lewis Michael Watson, Rhoda Hallmark et al., Susan J. Cousins et al., and Mary L. Moore, claiming descent from the same common ancestor, Dicey Watson, nee Dykes, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the several applicants herein and the attorneys for the Choctaw and Chickasaw Nations on January 25, 1902.

In case M.C.R. 363, Rhoda Hallmark et al., notice of the hearing of additional testimony was sent to the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations on February 12, 1902. In cases M.C.R. 462, Susan J. Cousins et al., and M.C.R. 470, Mary L. Moore, no notice of the hearing of additional testimony was sent to the applicants in these cases at the time of the sending of such notices to the other applicants herein, it not being known at the time of the sending of such notices that these applicants claimed descent from the same common ancestor as the other applicants herein. The records however show that the appli-

cants in these cases are descendants of the same common ancestor, Dicey Watson, nee Dykes, and these cases are now made a part of said consolidated case.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 6, 1902, at nine o'clock A. M., the cases of the several applicants herein being set for rehearing this day and date, and said cases being called, no appearance was made by any of the applicants herein, nor by the attorneys for the Choctaw and Chickasaw Nations.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on the 6th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 12th day of March, 1902.

Alfred Mitchell-Hook

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 6, 1902.

-----oOo-----

In the matter of the consolidated case of John W. Watson et al., applicants for identification as Mississippi Choctaws, embracing the cases of

John W. Watson,	M.C.R. 317
Lewis Michael Watson,	M.C.R. 320
John W. Watson Jr. et al.,	M.C.R. 321
Samuel J. Watson et al.,	M.C.R. 319
Francis M. Watson et al.,	M.C.R. 322
James T. Watson,	M.C.R. 324
William L. Watson et al.,	M.C.R. 444
Rhoda Hallmark et al.,	M.C.R. 363
Susan J. Cousins et al.,	M.C.R. 462
Mary L. Moore,	M.C.R. 470

In accordance with the letter of the Commissioner of Indian Affairs of August 2, 1901, remanding to this Commission for further hearing the case of Francis M. Watson et al., the case of this applicant has been combined with the cases of John W. Watson, John W. Watson Jr. et al., James T. Watson, William L. Watson et al., Samuel J. Watson et al., Lewis Michael Watson, Rhoda Hallmark et al., Susan J. Cousins et al., and Mary L. Moore, claiming descent from the same common ancestor, Dicey Watson, nee Dykes, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the several applicants herein and the attorneys for the Choctaw and Chickasaw Nations on January 25, 1902.

In case M.C.R. 363, Rhoda Hallmark et al., notice of the hearing of additional testimony was sent to the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations on February 12, 1902. In cases M.C.R. 462, Susan J. Cousins et al., and M.C.R. 470, Mary L. Moore, no notice of the hearing of additional testimony was sent to the applicants in these cases at the time of the sending of such notices to the other applicants herein, it not being known at the time of the sending of such notices that these applicants claimed descent from the same common ancestor as the other applicants herein. The records however show that the appli-

cants in these cases are descendants of the same common ancestor, Dickey Watson, nee Dykes, and these cases are now made a part of said consolidated case.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 6, 1902, at nine o'clock A. M., the cases of the several applicants herein being set for rehearing this day and date, and said cases being called, no appearance was made by any of the applicants herein, nor by the attorneys for the Choctaw and Chickasaw Nations.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on the 6th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 12th day of March, 1902.

John H. McMillan

C. v. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John W. Watson, et al for identification as Mississippi Choctaws, consolidating the applications of :

John W. Watson,	M.C.R. 317
Samuel J. Watson, et al.,	M.C.R. 319
Lewis Michael Watson,	M.C.R. 320
John W. Watson (Jr.) et al.,	M.C.R. 321
Frances M. Watson, et al.,	M.C.R. 322
James T. Watson,	M.C.R. 324
William L. Watson, et al.,	M.C.R. 444
Rhoda E. Hallmark et al.,	M.C.R. 363
Susan Jane Cousins et al.,	M.C.R. 462
Mary L. Moore,	M.C.R. 470

----- D E C I S I O N -----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John W. Watson for himself; by Samuel J. Watson for himself and his two minor children Ora Bell and Lillie May Watson; by Lewis Michael Watson for himself; by John W. Watson Jr. for himself and his three minor children, Annie Lee, Josie and Tanny Watson; by Frances M. Watson for himself and his two minor children John Ernest and Leroy Watson; by James T. Watson for himself; by William L. Watson for himself and his eight minor children, Claude, Myrtle, Floyd, Barney, Rosy, Lewis, Stella and Susan Maude Watson; by Rhoda E. Hallmark for herself and her three minor children, Elsa, Jeff and Lavada Hallmark; by Susan Jane Cousins for herself and

her eight minor children, Howard, Hula, Harvey, Delia, Ethard, Holly, Katy and Kater Cousins and by Mary L. Moore for herself, and by Frances M. Watson for the identification of his wife, Abigail Watson as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Watson and Sealy (or Delia) Watson, who are alleged to have been half blood Choctaw Indians and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession

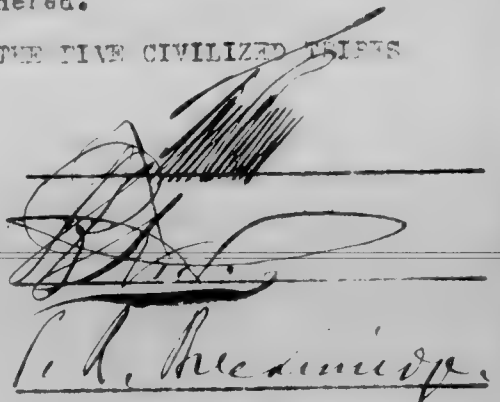
of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Watson or Sealy (or Celia) Watson, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Watson, Samuel J. Watson, Ora Bell Watson, Lillie May Watson, Lewis Michael Watson, John W. Watson Jr., Annie Lee Watson, Josie Watson, Tanzy Watson, Frances M. Watson, John Earnest Watson, Leroy Watson, James T. Watson, William L. Watson, Claude Watson, Myrtle Watson, Floyd Watson, Barney Watson, Rosy Watson, Lewis Watson, Stella Watson, Susan Maude Watson, Rhoda E. Hallmark, Eliza Hallmark, Jeff Hallmark, Lavada Hallmark, Susan Jane Cousins, Howard Cousins, Eula Cousins, Harvey Cousins, Delia Cousins, Ethard Cousins, Holly Cousins, Katy Cousins, Kater Cousins and Mary L. Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to be identified

cation as a Mississippi Choctaw by marriage, and that the application made by Frances M. Watson for the identification of his wife, Abigail Watson, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

A handwritten signature, likely "C. L. McAdams", is written over two horizontal lines. The signature is in cursive and includes a large, sweeping flourish at the end.

Commissioner

Muskogee, Indian Territory

JUN 1 1900

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John H. Watson

med.
317

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Watson, for identification as a Mississippi Choctaw.

DECISION.

The record in this case shows that John W. Watson, appeared before the Commission at Colbert, Indian Territory, June 19, 1900, and there made application for identification as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1893, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw, entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of John W. Watson for identification as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 10 1901 Acting Chairman.

FEB 10 1901

Muskogee, Indian Territory, October 29, 1900.

John W. Watson,

Care T. C. Cousins,

Muske, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th instant addressed to the Honorable Secretary of the Interior and by him referred to this Commission for answer.

You state in your letter that you appeared before the Commission in June last and made proof as a Mississippi Choctaw and was promised a hearing and have since then waited patiently but have never had any communication from the Commission as to the disposition of your application.

You are informed that the records of this Commission show that on June 19th, 1900 at Colbert, Indian Territory, John W. Watson, 63 years of age, appeared before this Commission and made application for identification as a Mississippi Choctaw. The Commission has not up to this time rendered any decision in this case but anticipates doing so in the near future and when such decision is rendered you will be furnished with a copy of the same stating fully herein the reason for any action the Commission may take in the matter of your application for identification as a Mississippi Choctaw.

Yours truly,

M C R-317

Acting Chairman.

Muskogee, Indian Territory, September 7, 1901.

Mr. John W. Watson,

In Care of T. G. Cousins,

McGee, Indian Territory.

Dear Sir:

Your letter of August 19th, addressed to the Honorable Secretary of the Interior, has been received.

You state that you made application for citizenship before the Dawes Commission in June, 1900; that a part of the family received notice of refusal from the Commission, and a part have not received such notice. You wish to be advised if you can introduce other evidence in support of your application before it is passed on by the Department, and enclose an affidavit for filing in support of your application.

It appears from our records that on June 19, 1900, at Colbert, Indian Territory, John W. Watson applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of your application at this time, either the oral testimony of witnesses their depositions or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

J.W.W. #2

The affidavit forwarded by you has been filed with the
other papers in this case.

Yours truly,

M.C. 317



Muskogee, Indian Territory, September 9, 1901.

Mr. John W. Watson,

In care of T.G. Cousins,

McGee, Indian Territory.

Dear Sir:-

Your letter of August 19, 1901, addressed to the Secretary of the Interior, has been received.

You state that you made application for citizenship before the Dawes Commission in June, 1900; that a part of the family received notice of refusal from the Commission, and a part have not received such notice. You wish to be advised if you can introduce other evidence in support of your application before it is passed on by the Department, and enclose an affidavit for filing in support of your application.

It appears from our records that on June 19, 1900, at Colbert, Indian Territory, John W. Watson applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of your application at this time, either the oral testimony of witnesses, their depositions or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

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7/10/17
The affidavit forwarded by you has been filed with
the other papers in this case.

Yours truly,

M.C.317.

NPM

Commissioner in Charge.

Wichita, Indian Territory, October 3, 1901.

Mr. John W. Watson,

McGee,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, in which you state that you will introduce additional testimony either by affidavits or by witnesses in person, as early as possible.

In reply to your letter you are advised that it appears from our records that on June 19th, 1900, at Colbert, Indian Territory, John W. Watson appeared before the Commission and applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence you will be permitted to do so, and the same will be made a part of the record in your case.

Yours truly,

M.C.317.

Muskogee, Indian Territory, January 25, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the application for identification as ~~Mississippi Choctaws of Francis M. Watson et al.~~, record of which was returned with letter of your office dated August 2, 1901, with instructions for further hearing, you are informed that this case will be considered together with the cases of

John W. Watson,	William L. Watson et al.,
John W. Watson Jr. et al.,	Samuel J. Watson et al.,
James T. Watson,	Lewis Michael Watson,

applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications and the attorneys for the Choctaw Nation that the testimony of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory, on Thursday, March 6, 1902, at nine o'clock A. M.

Respectfully,

Muskogee, Indian Territory, January 25, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Thursday, March 6, 1902, at nine o'clock A. M., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the cases of

John W. Watson,	William L. Watson et al.
John W. Watson Jr. et al.,	Samuel J. Watson et al.,
James T. Watson,	Lewis Michael Watson,
Francis M. Watson et al.,	

applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 317

Acting Chairman.

Muskogee, Indian Territory, January 25, 1902.

John W. Watson,
McGee
~~McGee~~, Indian Territory.

Dear Sir:

In the matter of the application for identification as ~~Mississippi Choctaws~~ of Francis M. Watson et al., you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in support of such application.

It appears from our records that at Colbert, Indian Territory, on June 19, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, March 6, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in

J. W. W.--2.

support of your application.

Yours truly,

M.C. 317

Acting Chairman.

Muskogee, Indian Territory, February 12, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that, in accordance with the instructions of the Commissioner of Indian Affairs, on Thursday, March 6, 1902, at nine o'clock A.M., at the office of the Commission to the Five Civilized Tribes, Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the case of Rhoda Hallmark, et al., applicants to this Commission for identification as Mississippian Choctaws.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 30, 1902.

J. W. Watson,

Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, referring to our communication of January 25, 1902, relative to your identification as a Mississippi Choctaw.

You desire to be advised if there is any way at this time by which you can compel witnesses in your behalf to appear before the Commission and if not, if there is any manner provided for the taking of depositions of such witnesses.

In reply to your letter you are advised that the Commission on January 25, 1902, notified you that under Departmental instructions further testimony would be heard relative to your right to identification as a Mississippi Choctaw at the office of the Commission at Muskogee, Indian Territory, on March 6, 1902.

On the date set for the further hearing of this case, no appearance was made by you or any one in your behalf nor was any motion submitted for a continuance of the hearing in your case.

The Commission has not rendered a decision in the matter of your application for identification as a Mississippi Choctaw but will do so as early as practicable in the near future.

The Commission cannot compel witnesses in behalf of applicants to appear before it for the purpose of examination under oath as the obtaining of witnesses and the necessary expense incident thereto is a matter entirely within the discretion of the applicants themselves.

You are further advised that the only authority vested in the Commission to in any manner determine the rights of so-called Mississippi Choctaws is contained in the following provision of the act of Congress of June 28 , 1896:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The Commission in the determination of the rights of such applicants will require that they, the applicants, reasonably demonstrate that they are descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation were favorably adjudicated.

The name of your ancestor through whom you claim the right to identification as a Mississippi Choctaw, does not appear upon any of the lists in our possession as a fourteenth article beneficiary and the Commission does not therefore believe that any additional evidence that you might introduce would in any way

J W W 3

benefit your claim to identification as a Mississippi Choctaw.

In view of the fact that nearly two months have elapsed since this case was called for final hearing, the Commission does not at this time care to re-open the same for the purpose of the introduction of any additional testimony unless the same is that of witnesses in person who can conclusively testify to the fact that your ancestor through whom you claim your right to identification as a Mississippi Choctaw, was one of those Choctaw Indians whose rights under the provisions of the fourteenth article were favorably adjudicated.

If you have any witnesses or any documentary evidence clearly and conclusively demonstrating this fact the Commission will withhold its decision in your case for the purpose of hearing such testimony provided the same is submitted at the office of the Commission at Muskogee, Indian Territory, within ten days from the date hereof.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, June 4, 1902.

John W. Watson,

Buckhorn, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Watson, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Watson,	M C R 317
Samuel J. Watson, et al.,	M C R 319
Lewis Michael Watson,	M C R 320
John W. Watson, (Jr), et al.,	M C R 321
Frances M. Watson, et al.,	M C R 332
James T. Watson,	M C R 334
William L. Watson, et al.,	M C R 444
Rhoda E. Hallmark, et al.,	M C R 363
Susan Jane Cousins, et al.,	M C R 462
Mary L. Moore,	M C R 470

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J W W----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Watson, Samuel J. Watson, Ora Bell Watson, Lillie May Watson, Lewis Michael Watson, John W. Watson, Jr., Annie Lee Watson, Josie Watson, Tanzy Watson, Frances M. Watson, John Earnest Watson, Leroy Watson, James T. Watson, William L. Watson, Claude Watson, Myrtle Watson, Floyd Watson, Barney Watson, Posy Watson, Lewis Watson, Stella Watson, Susan Maude Watson, Rhoda E. Hallmark, Eliza Hallmark, Jeff Hallmark, Nevada Hallmark, Susan Jane Cousins, Howard Cousins, Eula Cousins, Harvey Cousins, Delia Cousins, Ethard Cousins, Polly Cousins, Katy Cousins, Kate Cousins and Mary L. Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Frances M. Watson for the identification of his wife, Abigail Watson, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Gandy.

Acting Chairman.

Registered.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

John W. Watson Esq
meR 317

Land
33312-1902

--Copy--
Department of the Interior,
Office of Indian Affairs,
Washington, July 22, 1902.

The Honorable,
The Secretary of the Interior.
Sir:

I have the honor to transmit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated Mississippi Choctaw Case of John W. Watson, et al.

On June 19, 20 and 21, 1900, the several cases consolidated herein were heard by the Commission, which afterwards prior to August 2, 1901, rendered a decision in each of said cases finding that the evidence introduced was insufficient to identify any of the applicants as Choctaw Indians entitled to rights in the lands of the Choctaw Nation.

On said 2nd day of August, 1901, the office returned one of the cases herein, viz: Francis M. Watson et al., to the Commission for further hearing and thereupon the Commission consolidated the several cases consolidated herein and gave due notice to the several parties, or their attorneys, of said rehearing (except in the case

The H. #2.

of Susan J. Cousins, et al., and Mary L. Moore), and that some would be had before the Commission on the 6th day of March 1902.

Afterwards on said 6th day of March, 1902, none of the applicants or their attorneys appeared before the Commission and on June 4, 1902, the Commission again rendered a decision in the consolidated case finding that the applications of the applicants should be refused for the reason that no sufficient evidence had been submitted to properly identify any of the applicants as Choctaw Indians entitled to rights in the Choctaw lands.

The record shows that the principal applicant, John W. Watson, was born in 1838, in the State of Louisiana, moved from there with his father, William Watson, to Texas about 1840, and from there went to the Indian Territory about 9 years prior to 1900. He claims that his father was a half-blood Choctaw, that he was a United States soldier, was never in the Indian Territory, and that he never received any land under the 14th article of the treaty of Dancing Rabbit Creek.

The said applicant undertakes to support his application by the ex parte affidavits of Katharine Franklin, Charles Smith,

The H. #3.

James H. Womack, Chas. Lane, Alsie Ervin and Prime Harvey.

The said Katharine Franklin claims to be 81 years old, an enrolled Choctaw Indian by blood and is acquainted with JOHN W. Watson and his wife, Elzina Amanda Watson, and knew William Watson, father of John W. Watson, in Pontotoc County, Mississippi, and met him and his said wife at the John Coffee treaty. The affiant says the said William Watson was a half-blood Choctaw Indian. Affiant avers that John W. Watson was born after she left Mississippi and never saw him until 1890, when she recognized him by his resemblance to his father.

There is nothing in said affidavit to establish the identity of the applicant and nothing to show that his father ever complied with the 14th article of the treaty of 1830.

The affiant, Charles Smith, claims to be a freedman and belonged to the Choctaw Indians in Mississippi, and went to the Indian Territory with them. Says he knew William Watson a half-blood Choctaw Indian and his wife, Cealia Watkins and that he and his wife were Choctaw Indians by blood; that he left them in Mississippi. Affiant claims to be 81 years old.

The affiant Womack says he has known John W. Watson for

The H. #4.

40 years; that he is the son of William Watson and Cealia Watson who was the daughter of Dicie Watson, whose maiden name was Dicie Dykes, who was a full-blood Mississippi Choctaw Indian.

The other affiants state similar facts to those above noted. There is nothing in any of this evidence to show that the applicant ever complied with the 14th article of the treaty of 1830 or that his father did so, nor is there any proof offered that any of the ancestors of the applicant ever went before the Commissions authorized by the Acts of Congress of March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

The applicant says his father never received any land under the provisions of the 14th article and his age would indicate that he should have some information on the subject and be able to give such testimony as would have weight in determining his rights.

He has lived in the Indian Territory for nine years prior to this application and has ever sought to become a citizen in the tribal courts.

On June 27, 1902, the said applicant wrote a letter to the Secretary of the Interior, which is enclosed herewith, wherein he asks to submit further evidence and claims that sickness and death in the family precluded him from attending the rehearing before the

The H. #5.

Commission, but the office cannot see wherein such permission could avail anything, and as it is very evident that such sickness and death did not necessarily preclude the attendance of all the applicants and attorneys, the excuse for non-attendance by all of the parties would not seem to have sufficient weight to be entertained,

The evidence presented by the said applicant is as strong as that submitted by the others and what has been said relative thereto is applicable to all.

The office must conclude that there is nothing in the records tending to prove that the said John W. Watson, or any of the remaining applicants, are entitled to be enrolled as Choctaw Indians with the right of citizenship in the Choctaw Nation. This conclusion is further supported by the fact that the name of William Watson father of John W. Watson, does not appear in the office records among those who complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830.

Said records do not show that any one by the name of Watson ever complied with the treaty provisions in the said 14th article and there is no record in the office that any person by the name of Dykes ever received land under the provisions of said article or

The H. #6.

attempted to comply therewith.

The office therefore approves the decision of the Commission herein and recommends that it be affirmed by the Department.

Very respectfully,

Your obedient servant,

(Signed) A. C. Tonner,

Acting Commissioner.

W.C.L.

C

Copy
44913.

D.C. No. 12395.

DEPARTMENT OF THE INTERIOR.

Washington, July 28, 1902.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

June 4, 1902, you transmitted the record of the proceedings had in the consolidated case involving the applications for identification as Mississippi Choctaws, of John W. Watson for himself; of Samuel J. Watson for himself and his two minor children, Ora Bell and Lillie May Watson; of Lewis Michael Watson for himself; of John W. Watson, Jr. for himself and his three minor children, Annie Lee, Josie, and Tanzy Watson; of Frances M. Watson for herself and her two minor children, John Ernest and Leroy Watson; of James T. Watson for himself; of William L. Watson for himself and his eight minor children, Claude, Myrtle, Floyd, Barney, Rosy, Lewis, Stella, and Susan Maude Watson; of Rhoda E. Hallmark for herself and her three minor children, Elza, Jeff, and Lavada Hallmark; of Susan Jane Cousins for herself and her eight minor children, Howard, Eula, Harvey, Delia, Ethard, Holly, Katy, and Kater Cousins; and of Mary L. Moore for herself: including your decision of June 4, 1902, refusing to enroll the applicants.

-2-

The applicants in this case attempt to trace their decent through Celia Watson to Dicie or Dicy Dykes, nee Watson.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Chectaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stat., 513).

July 23, 1902, the Acting Commission of Indian affairs forwarded the record, recommending that your decision be approved.

The Department, upon review of the whole case, concurs in this recommendation, and your decision is affirmed.

A Copy of the report of the Acting Commissioner is enclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

M.C.R. 317.

COPY.

Muskogee, Indian Territory, August 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Watson, et al., of which decision you were advised by mail on the 4th day of June, 1902.

Yours truly,

ASG: C

James D. Doby

Acting Chairman.

W.C.R. 17.

CCM.

Muskogee, Indian Territory, August 5, 1902.

John W. Watso ,

Buckhorn, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Watson, et al., of which decision you were advised by registered mail on the 4th day of June, 1902.

Yours truly,

Acting Chairman.

M C R 317.

Muskogee, Indian Territory, June 4, 1902.

To the Honorable,

Secretary of the Interior.

Sir:

I have transmitted herewith the record in the consolidated case of John F. Watson, et al., applicants to the Commission for identification of Mississippi Choctaws, including the decision of the Commission of June 4th, 1902.

The above consolidated case contains the following original applications for identification as Mississippi Choctaws heard by the Commission:

John F. Watson,	M C R 317
Samuel J. Watson, et al.,	M C R 318
James Michael Watson,	M C R 320
John F. Watson (Jr.) et al.,	M C R 321
Charles M. Watson, et al.,	M C R 322
James T. Watson,	M C R 324
William B. Watson, et al.,	M C R 404
Rhoda B. Hallmark, et al.,	M C R 405
Susan Jane Cousins, et al.,	M C R 408
Mary L. Moore,	M C R 470

The Commission has the honor to report that the several original applications for identification of Mississippi Choctaws, which have been heard by the Commission, have been fully advised by

Secretary of the Interior—2

letter of the action of the Commission, copies of said letters
being attached to the record.

Respectfully,

Signed

T. D. Neelce.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, June 4, 1902.

Respectfully,
Messrs. W. H. Field, J. H. H. & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Watson, et al., embracing the following applications for identification as historic Choctaws:

John W. Watson,	M C R 317
Samuel J. Watson, et al.,	M C R 319
Lewis Michael Watson,	M C R 320
John W. Watson (Jr.) et al.,	M C R 321
Francis M. Watson, et al.,	M C R 322
James T. Watson,	M C R 324
William L. Watson, et al.,	M C R 324
Rhoda E. Hallmark, et al.,	M C R 363
Susan Jane Cousins, et al.,	M C R 462
Mary L. Moore,	M C R 470

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Watson, Samuel J. Watson, Ora Bell Watson, Lillie May Watson, Lewis Michael Watson, John W. Watson Jr., Annie Lee Watson, Josie Watson, Mary Watson, Frances M. Watson, John Percival Watson, Leroy Watson, Susan M. Watson, William L. Watson, Claude Watson, Myrtle Watson, Alice Watson, Robert Watson, Mary Watson, Lewis Watson, Stella Watson, John L. Watson, Rhoda E. Hallmark, Eliza Hallmark, Jeff Hallmark, Mary E. Hallmark, Susan Jane Cousins, John Cousins, Eula Cousins, Mary Cousins, John Cousins, Edward Cousins, Polly Cousins, Ed. Cousins, Kate Cousins and Mary L. Cousins, Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a blood-related Choctaw by marriage, and that the application made by Frances M. Watson for the identification of his wife, Abigail Watson, as an intermarried blood-related Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed of the time of such notice as may be taken by him.

Very truly,

James D. Kirby

W. H. M.

Arthur C. Brown.

Muskogee, Indian Territory, April 30, 1903.

J. G. Reneau,
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 25, 1903, in which you ask if John W. Watson has been identified as a Mississippi Choctaw.

Replying to your communication you are advised that on July 28, 1902, the Secretary of the Interior approved the decision of this Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of John W. Watson, et al., and on August 5, 1902, the several applicants were duly notified of such Departmental action.

Respectfully,

Chairman.

MCR 317

Muskogee, Indian Territory, October 30, 1905.

John W. Watson,
Franks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 30, 1905, by reference from the United States Indian Agent, Union Agency. You ask what further evidence is necessary to establish your claim to citizenship in the Choctaw Nation.

In reply you are informed that on July 28, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered June 4, 1902, refusing your application for identification as a Mississippi Choctaw. You were notified of such Departmental action, August 5, 1902.

Your case is considered closed and this office has no authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner.

5037-1907

Muskogee, Indian Territory, August 15, 1907.

E. A. Allen,

Coalgate, Indian Territory.

Dear Sir:

Replying to your letter of August 10, 1907, you are advised that on July 28, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered June 4, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of John W. Watson, et al., of which the application of your wife, Rhoda Hallmark, was a part.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 317

John W. Watson

REFUSED

DECISION RENDERED. 1902

CASE

JUN 1 1902

OFFICE OF THE SECRETARY OF THE INTERIOR
DEPARTMENT OF THE INTERIOR

FILE

U. S. DEPARTMENT OF THE INTERIOR

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

JUL 18 1902

NOTICE OF DEPARTMENTAL ACTION
FOR ACTION TAKEN

5

NOTICE OF DEPARTMENTAL ACTION
FOR ACTION TAKEN
FOR ACTION TAKEN

AUG 5

RECEIVED T. W. R. 1902

1902

John W. Watson

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. P* 317
REFUSED.

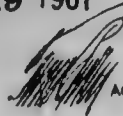
John H. Watson.
Judgment rendered

Judgment Written Feb'y, 7, 1901.

G. R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

FEB 19 1901



ACTING CHAIRMAN.

7/6/10
Robert A. Dress McGee L.T.

CHOCTAW. (Miss) (1/2)

JUN 19 1900

John W. Watkins, (C)
Buckhorn, I.T.

(Father). William Watkins, 1/2

(mother). Sealy Watkins 1/2

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Personal appearance and
testimony at Galbut, I.T.
June 19, 1900.

SEMINOLE NATIO

SEX _____ YEAR _____ TRIBAL ENROLLMENT _____ BASED _____ NO. _____ SLAVE OF _____ NAME OF FATHER _____

REFER TO M. C. R. 317

*Colm W. Watson
et al*

Consolidated Case

Arvey Dykes, full blood,
married
John Watson white

William Watson 1/2 Dead
married
Thaly Watson 1/2 Dead

William Watson 1/2 Dead
married
Mary Johnson

William L. Watson 42 1/4
wife
Cora Watson

Leland Watson 17
Myrtle Watson 15
Lloyd Watson 13
Bobby Watson 11
Roy Watson 9
Edna Watson 7 1/2
Susan Maude Watson 5

Chas. J. Watson 40 1/4
married
Tom Cousins

Edward Cousins 18
Gula Cousins 16
Harvey Cousins 12
Delia Cousins 10
Ethard Cousins 8
Holly Cousins 5
Kate Cousins 3

Francis M. Watson 39 1/4
wife
Abigail Watson
claims for wife.

John Earnest Watson 5
Teray Watson 16

John W. Watson 63 1/2
wife
Elgina Amanda Watson

John W. Watson 35 1/4
wife
Laura Watson

Fannie Lu Watson 6
Iris Watson 4
Tanny Watson 2

Samuel J. Watson 28 1/4
wife
Osa Watson

Pa Bell Watson 3
Lillie May Watson 8 m

James J. Watson 28 1/4

Rhoda Watson 24 1/4
married
Mabel Hallmark

Ella Hallmark 6
Jeff Hallmark 4
Lurana Hallmark 14 m

Lewis Michael Watson 23 1/4

Mary L. Watson
married
Harvey

Choctaw MCR 318

Wilbern Wade

MCR 318

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 19th, 1900.

In the matter of the application of Wilbern Wade for identification as a Mississippi Choctaw, and he being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Wilbern Wade.
Q How old are you? A Thirty-five.
Q You apply for identification as a Mississippi Choctaw?
A Yes sir.
Q Where do you live? A Cliff, Chickasaw Nation, Indian Territory.
Q How long have you lived at Cliff? A About three or four months, the last time; I used to live there about ten years ago.
Q Where did you live prior to coming here the last time?
A In the Choctaw Nation; Albany.
Q How long did you live there? A Since 1893.
Q Where did you live before you went to the Choctaw Nation?
A Pickens County.
Q How long did you live there? A Since 1889.
Q Where did you live prior to that time? A In Arkansas, three years.
Q What place? A Magasine.
Q Where did you live prior to that time? A Alabama.
Q How long did you live in Alabama? A About fifteen years.
Q Where did you live before that? A I was born there.
Q Never lived in the State of Mississippi? A I lived right on what you might call the line, on Cedar Creek.
Q What is the name of your father? A John Wade.
Q Is he living? A No sir.
Q Was he a white man? A He was a Choctaw Indian.
Q What proportion of Choctaw blood did he claim? A One half.
Q Did he ever live in Mississippi? A Yes sir, he said so.
Q Did he ever live in the Indian Territory? A I do not know whether he did or not; he came west and went back during the war.
Q What is the name of your mother? A Jane Wade.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim? A One fourth.
Q Does your name appear on any of the Choctaw tribal rolls of the Choctaw Nation? A No sir.
Q Did you ever make application to any of the Choctaw tribal authorities of the Choctaw Nation for enrollment as a Choctaw?
A No sir; I appeared before them at the time of the last district payment; I was refused on the ground of being a Mississippi Choctaw: I was refused enrollment.
Q To whom did you apply at that time? A Henry Byington.
Q You never appeared then before the Choctaw Council? A No sir; through neglect, I did not.
Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
Q Then you have never been recognized by the Choctaw tribal authorities as a Choctaw Indian? A No sir.
Q Are you married? A No sir.
Q You make no claim for any one but yourself? A No sir.
Q Upon what treaty do you base your claim as a Mississippi Choctaw?
A Upon the treaty of '30; the fourteenth article.
Q Did you ever take advantage of the provisions of that article?
A No sir.
Q Did any of your ancestors? A Not that I have any personal knowledge of.
Q You never received any land as beneficiary under the fourteenth article of the treaty of 1830? A No sir.
Q Do you know whether your ancestors did? A No sir, I do not.
Q If they have ever received any land under the provisions of that article, you never heard of it? A No sir.

Q Do you not think it probable that if your ancestors had received any land under the fourteenth article of the treaty of 1830, you would have heard of it? A Yes sir; my grand-father came west and died.

Q You think you would have heard of it if they had received any such land? A Yes sir.

Q When did your grand-father come west? A Before I was born.

Q Is there any additional statement in regard to your case you desire to make at this time? A No sir, except I ~~do~~ think you will find my fore-parents on the old Mississippi Choctaw rolls.

Q What are the names of your parents whom you think would appear on the old Mississippi Choctaw rolls? A William and John Wade.

Q What relation are they to you? A William is my grand-father and John my father.

Q You make no claim under any other article of the treaty of 1830?

A I can not say I do; I would like the statement that I had my proof and it got burned in ~~the~~ Byington & McPherran's office; and I would submit my proof at a later date.

By the Commission: Any evidence which you may see fit to file in your case at a later date can not receive the consideration of the Commission in deciding your case, but will be forwarded together with the record in your case to the Honorable Secretary of the Interior when the final roll of citizens of the Choctaw Nation are forwarded him for approval.

Q Have you any papers you desire to file at this time?

A No sir.

A copy of the decision of the Commission with reference to your case will be furnished you in writing at your Postoffice address, at a later date.

P. R. Cravens, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

P. R. Cravens

Sworn to and subscribed before me this 30th day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., December 16, 1901.

M.D.R. - 316.

In the matter of the application of Wilbern Wade for identification as a Mississippi Choctaw.

R E - H E A R I N G .

This cause coming on to be heard on this 16th day of December, 1901, under departmental instructions of July 26, 1901, the applicant made personal appearance; no appearance on behalf of the Choctaw Nation, and the following proceedings were had, to-wit:

The applicant, Wilbern Wade, having been first duly sworn upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Wilbern Wade.
Q What is your age? A Thirty six, I will be thirty seven the 15th of February.
Q Where do you reside? A I reside now in Madill, but at the time I made application, I resided at Cliff, Indian Territory.
Q Are you the Wilbern Wade who appeared before the Commission at Colbert, Indian Territory, on June 19, 1900, and made application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you make your claim for a share in the lands of the Choctaw Nation, Indian Territory, under the fourteenth article of the treaty concluded between the United States government and the Choctaw Indians on the 27th day of September, 1830, in Mississippi? A Yes sir.
Q Do you understand the provisions of that fourteenth article? A Well, No, not exactly. My understand is simply this: My grand father drew land, and the young fellow asked me if my grand-father took advantage of the provisions, and I told him I didn't know.
Q Through whom do you claim your Choctaw blood? A My father and he through William Wade.
Q Is your father living? A No sir.
Q What was his name? A John Wade.
Q How old was your father when he died? A I couldn't tell you, I don't know; I have not seen my father in a number of years.
Q Do you know what year he was born in? A No sir, I don't know.
Q When did your father derive his Choctaw blood from? A His father William Wade, he was some kind of officer, they called him Captain William Wade.
Q How much Choctaw blood was William Wade possessed of. A It was my understanding that he was a full blood.

M.C.R.--318.

Q How much Choctaw blood did John Wade have? A It was my understanding that he was one half.

Q Was John Wade's wife, your mother, a white woman? A Yes sir.

Q What was your mother's name? A Jane.

Q Is she living? A No sir.

Q How old would she be if living now? A She would be about sixty five or seventy years old.

Q Do you know when John Wade and Jane Wade were married? A No sir, I do not.

Q Have you any evidence of their marriage? A I don't believe I have.

Q Do you know whether they were married under the laws of the state of Mississippi? A Married under the laws of Alabama, I think. I was born right on the line of Alabama at a creek called Cedar Creek.

Q Do you remember they were married under a license? A They lived together under license; yes, they married under license, of course.

It will be necessary for you to furnish the Commission with some evidence of the marriage of your father and mother, either the original marriage license and certificate or certified copy of the same.

Q How much Choctaw blood do you claim to be possessed of? A One fourth I suppose.

Q Are you married? A No sir.

Q Then there is no person interested in this application except yourself? A None whatever, no sir.

Q Did John Wade have any brothers or sisters? A Yes sir, he had quite a lot of them.

Q Do you know their names? A He had one brother named William, and I think one named Tom, and it seems like he had one named Dan and Phil.

Q Where do they reside, do you know? A I guess a good many of them are dead. The last I heard of Tom Wade he drifted to the war and went to Missouri; he deserted the south and went with the north; I think Phil and Dan are dead.

Q Do you know whether any of the descendants of John and William Wade, your father and grandfather, have ever been before this Commission and made application for identification as Mississippi Choctaws? A If they ever have I don't know it.

Q You do not know the residence of any of the descendants of John Wade and William Wade? A No sir, only myself.

You have stated that you make your claim for identification as a Mississippi Choctaw under the provisions of the 14th article of the treaty of 1830. The fourteenth article of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and ~~six~~ forty acres of land to be bounded by sectional lines of survey; in like

man shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is the fourteenth article and I will explain to you the requirements of that article. At the time this treaty was concluded between the United States government and the Choctaw tribe of Indians, the Choctaw Indians occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line of that state. The object of the treaty was to secure the removal of the Choctaws from the old Choctaw Nation in Mississippi and Alabama to a new country west of the Mississippi river which is now known as the Choctaw Nation Indian Territory. At the time this treaty was concluded, a good many of the Choctaw Indians preferred to remain in the old Choctaw Nation and did not want to come to the new country west of the Mississippi river, now known as the Choctaw Nation and for the benefit of this class of Indians, this article was made a portion of the treaty. This article as it states granted to each Indian who desired to remain in the state and become a citizen of the state, and who was a head of a family, one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child over ten years of age, one half of that quantity or three hundred and twenty acres, and for each child under ten a quarter section or one hundred and sixty acres; the reservations of the children to adjoin the location of the parent, and the reservation to include the improvements the head of the family owned on the 27th day of September, 1830. It required that the Choctaw Indian should reside upon the land for the term of five years and at the end of that time, the government would give him a deed to the land and he could dispose of it at his pleasure. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. That means that those Choctaw Indians who remained in Mississippi and complied with all the requirements of this fourteenth article if they ever removed from that state did not forfeit their right of citizenship in the Choctaw Nation, Indian Territory, but they did forfeit any right to any claim in the annuities. The annuities were monies that were to be paid to the Choctaw tribe of Indians under treaty stipulations.

Q You fully understand that now, do you? A Yes sir, I think so.

M.C.R.-318----(4)

Q You say you claim through John Wade, your father who was a son of William Wade? A Yes sir, I will have to depe d upon the books to show about William Wade.

Q Which one of your ancestors complied with this article fourteen? A I would think it would be William Wade.

Q William Wade, your grandfather? A Yes sir.

This treaty which I have just explained to you was ratified on the 24th day of February, 1831, and that fourteenth article as I explained to you required that an applicant for benefits under article fourteen should within six months from the date of the ratification of the treaty go before the Indian Agent in the state of Mississippi and signify to him his intention of remaining in the state and accepting land.

Q Did William Wade within six months from the date of the ratification of that treaty appear before the Indian Agent and register for benefits under the fourteenth article? A That is something I couldn't tell you, for I don't know. I never saw William Wade.

Q Did John Wade your father within six months from the date of the ratification appear before the Indian Agent and signify his intention of becoming a citizen and accepting land under this article? A I guess he was just a boy at that time.

Q Were John Wade and your mother married and the heads of a family on the 27th day of September, 1830? A No, they were too small.

Q Was William Wade, your grandfather, married and the head of a family at that time? A Yes sir.

Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi and Alabama in 1830? A I couldn't answer that. That is what has been told me, of course taking my views, I would say he was, but I couldn't of my own personal knowledge.

Q Do you know of the existence of any evidence, written evidence, papers of any kind, deeds or patents to land, that would tend to show that William Wade ever received any land as a Choctaw Indian from the United States government? A I do not, I have been away from all my people quite a while.

Q Do you know of any witnesses living who would come before this Commission and testify as to you being descended from William Wade and John Wade? A This nigger Joseph Caesar, I think can, and John Lewis.

Q It is your intention to bring those witnesses before the Commission? A Yes sir, and I will have to depend upon the books.

Q What book do you refer to? A I don't know what you would call them, but the books they used back in the thirties.

In Volume 7, page 68, American State Papers, following record is found:

TO. 2-FORM ON A RETURN.

Names of Indians owning farms.	No. of Acres:	Entire:	Males:	Females:	Total:	Locality of:	No. of:	General Remarks.
	Acres:	No. of:	over 16:	under 10:	Years:	Years:	acres:	
	Cultivated:	the family:						
Capt. John Wade	30	12	6	5	On Robinson road 1/2 mile from La-plecha line:	800		Poor land

WIDE. 318----(5)

Q This shows that Captain John Wade was an Indian who owned a farm in Mississippi at the time of the conclusion of this treaty and that he owned eight hundred acres of land of which thirty acres were in cultivation; the total number of his family was twelve and in that family was six males over sixteen years of age. Now, you have testified that your father, John Wade, was too young at the time of the conclusion of that treaty of 1830 to have made any claim as a beneficiary under this fourteenth article; Then, this Captain John Wade is not identical with your father. A It has been my understanding that he was the uncle of my father, John Wade.

Q Did your grandfather, William Wade, receive any land as a Choctaw Indian under the provisions of this fourteenth article of that treaty of 1830? A It has been my understanding that he did.

Q Please tell the Commission what your understanding as to his having received land is? A It is my understanding that he received land in Mississippi and I think he went to the Mexican war or went west and has never since been heard of.

Q How did you get that understanding? A From hearing my father talk about it.

Q As a matter of family history? A Yes sir.

Q Do you know of the existence of any documentary evidence that would show that William Wade did receive land as a Choctaw Indian under the provisions of this article? A I do not.

Q Then as far as you know did William Wade ever receive any land from the United States Government as a Choctaw Indian? A From my own personal knowledge I don't know, but from family history it has been told me that he did.

Q You have no documentary evidence that would tend to prove that part of your family history? A No sir.

On page 71 of Vol. 7, American State papers, appears the following record:

NO. 2--FORM OF A RETURN.

Names of Indians owning farms.		No. of acres.		No. of males and females over 16.		No. of farms.		No. of General Remarks.	
		Cultivated.	Family.	Years.	Years.				
Capt. Wm. Wade (Indian)	13	15	4	5	Ocmoxoby, Adjoins the prairie.	160	Land tolerable		

Captain Wm. Wade is shown to have cultivated thirteen acres of land, number in family, fifteen, with four males over sixteen years of age. These claimants are registered here not as claimants under the fourteenth article, but as Indians who owned improvements at the time of the conclusion of the treaty of 1830.

M.C.P.--318----(6)

Q Do you know whether any of your Choctaw ancestors owned any improvements on land in the state of Mississippi at the time of the conclusion of the treaty of 1830? A No, only from family history.

Q What is your family history as to their owning improvements there in 1830? A That they did own improvements there--that William Wade did.

Q But you have no documentary evidence to show that? A No sir.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838 at the time of the emigration of the Choctaws? A It has been told me that John Wade did.

Q Who is that? A My uncle---William Wade's brother.

Q Where did John Wade, your father, die? A I don't know, I guess he died in Alabama.

Q Did you know William Wade your grandfather? A No, never did see him.

Q Do you know whether John Wade or William Wade were recognized members of the Choctaw tribe of Indians in 1830? A Not only from family history as I stated a while ago.

Q Do you know where your grandfather, William Wade, died and how old he was at the time of his death? A No sir, I don't know.

Q You know nothing of the death, birth and marriage of your father and mother? A No sir.

Q And you don't know the date of the birth or the date of the death of your grandfather, William Wade? A No sir.

Q Or where he died? A No sir.

Q What was your grandmother's name---William Wade's wife? A I think her name was Willie.

Q Was she a white woman or a Choctaw Indian? A She was white.

Q Did your father speak or understand the Choctaw language? A Yes sir, I don't understand it myself but they said he could speak the Choctaw language.

Q How old were you when your father died? A I declare I don't know; I drifted away from him when I was tolerable young.

Q Where were you born? A I was born in Alabama.

Q How long did you live in Alabama? A Until I was fifteen or twenty years old.

Q Where did you move to? A Arkansas.

Q How long did you live there? A I have been there and in the territory together off and on ever since; stay there a while and come over to the territory a while, and go back over there.

Q How long have you been residing in the territory continuously? A About twelve or fourteen years.

Q Do you speak or understand the Choctaw language? A A little, not much.

Q How did you acquire your knowledge of the Choctaw language? A Just myself monkeying about with them.

Q Have you ever been recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in Indian Territory? A I was always considered a Mississippi Choctaw among them. I applied in 1897 for annuities and in the leased district and was refused on account of being a Mississippi Choctaw.

Q Did you ever make any application to the Choctaw tribal authorities to be admitted or enrolled as a citizen of the Choctaw

Nation? A No sir.

Q Did you ever make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the law of June 10, 1896? A No, I went to a lawyer by name of W.L. Richards and he told me they didn't settle citizenship of Mississippi Choctaws and I asked him to send some papers for me but he never did it.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, or the authorities of the United States? A No sir, never have.

Q This application you made at Colbert, Indian Territory, in June, 1902, is the first application of any kind you have ever made? A Yes sir, with exception of making application to draw leased district money.

Q That was made to the Choctaw tribal authorities? A Yes sir.

Q And was refused? A Refused on account of being Mississippi Choctaw.

Q Have you any witnesses to call now? A No, sir, they could not get here on account of the bad weather, they are very old.

Here applicant asked a continuance of this case until January 9, 1902, at 9 o'clock a.m. to enable him to bring before the Commission two witnesses, Joseph Caesar and John Lewis. The applicant states that on account of the severity of the weather and these witnesses being old and infirm, it was impossible for him to bring them before the Commission at this time.

On the above showing, the re-hearing of this case is hereby continued until Thursday, January 9, 1902, at 9 o'clock a.m.

Q Mr Wade, is it your desire that this case be continued until January 9, 1902 at 9 o'clock a.m. in order that you may bring witnesses in person to testify in support of your application?

A Yes sir.

Q You understand that this case is continued until that time in order that you may bring witnesses before the Commission to testify as to your Choctaw Indian descent from John Wade and William Wade, and as to compliance on the part of John Wade and William Wade with the provisions of article fourteen of the treaty of 1830?

A Yes sir.

This applicant has light brown hair, bluish-gray eyes, fair complexion, the features and appearance of a person of white parentage. He claims a limited knowledge of the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

H.C.risten, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had on the re-hearing of the above entitled cause on the 16th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Muskogee, Indian Territory this 14 day of December, 1901.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Wilbern Wade for the
identification of himself as a Mississippi Choctaw, M.C.R.318.

List of papers forwarded to the Secretary of the Inter-
ior with the record in this case, with
the page occupied by each in
the record.

	Page.
Original application of Wilbern Wade for identification as a Mississippi Choctaw before the Dawes Commission,	1
Decision of the Commission refusing the application of Wilbern Wade for identification as a Mississippi Choc- taw	3
Copy of letter from the Commission to Wilbern Wade, transmitting decision,	5
Registry Receipt,	6
Copy of letter from the Commissioner of Indian Affairs transmitting the record in the application of Wilbern Wade for re- hearing,	7
Copy of letter from the Commission to the Commissioner of Indian Affairs not- ifying him of rehearing of this case,	11
Copy of letter from the Commission to Wilbern Wade, the applicant, of like import,	12
Copy of letter from the Commission to Messrs Mansfield, McMurray & Cornish, attorneys for the Choctaw Nation, of like import,	13
Transcript of proceedings had on rehear- ing of the within case at Muskogee, In- dian Territory, December 16, 1901,	14
Transcript of proceedings had on rehear- ing of the within case at Muskogee, Indian Territory, January 9, 1901,	21
Transcript of oral motion for continuance by attorney for the applicant,	25

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Affidavit of Wilbern Wade in support of
same, 26

Decision of the Commission on motion for
continuance, 28

Final decision of the Commission in the ap-
plication of Wilbern Wade for identifica-
tion as a Mississippi Choctaw, denying said
application, 30

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Wilbern Wade, for the
identification of himself as a Mississippi Choctaw, M.C.R.-316.

--: D E C I S I O N :--

The record in the above application shows that on June 19, 1900, the said Wilbern Wade appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indian, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. He claims descent from John Wade, an alleged one half blood Choctaw, who married Jane Wade, a white woman, and who are the parents of this applicant, and now deceased.

The record in this case further shows that the applicant, Wilbern Wade, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor has he ever been admitted

(2)

to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

There is no evidence offered in this case except the unsupported oral testimony of the applicant himself, in which he claims to have been born in the state of Alabama about the year 1865, and for the past seven years he has been residing in the Choctaw Nation, Indian Territory, and alleges that he is an one quarter blood Choctaw. He traces his Indian descent through his father, John Wade, to his grandfather William Wade, and alleges that they were residents of the state of Mississippi, but nothing in his testimony tends to show when they resided there, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, and neither is it shown that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record in this case shows that on October 10, 1900, the written decision of the Commission was furnished this applicant, refusing the application which he had made for the identification of himself as a Mississippi Choctaw.

On December 3, 1900, the original testimony heard in the application of Wilbern Wade, together with the decision rendered by the Commission in said application, was forwarded to the Secretary of the Interior.

On July 25, 1901, the Commissioner of Indian Affairs, acting under instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Department in this case for further hearing.

(3)

In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on November 11, 1901, notified the said Wilbern Wade that his application had been so remanded, and that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, December 16, 1901, at nine o'clock a.m., there would be heard the testimony of such witnesses as might be presented by him or on behalf of the Choctaw Nation. Notice to the same effect was on the same day given to Messrs. Mansfield, McMurray and Cernish, attorneys for the Choctaw and Chickasaw Nations.

On December 16, 1901, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock a.m., this case was called for hearing, and personal appearance was made by the applicant herein, but no appearance was made on the part of the Choctaw and Chickasaw Nations. At said rehearing, the applicant gave further testimony, wherein he claimed his right to be identified as a Mississippi Choctaw from his grandfather, William Wade, whom he alleges was a full blood Choctaw Indian and complied with the provisions of article fourteen of the treaty of 1830, and in his testimony reference was made to Page 68, Volume 7, American State Papers, Public Lands, and to the name of Capt. John Wade therein; the applicant claimed that the John Wade named in that record is a brother of the William Wade through whom the applicant claims his Choctaw descent, and that the name of the said William Wade would be found upon page 71, of Volume 7, American State Papers, Public Land.

From an examination of the record above quoted, it is found

that the names of Capt. John Wade and Capt. Wm. Wade do appear upon pages 68 and 71 respectively, Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Moshulatubbe's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of a said treaty. The record above quoted in no way relates to, or shows, any compliance or attempted compliance on the part of the persons named therein with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

There is nothing in the testimony offered at this time that would tend to connect the William Wade through whom this applicant claims his alleged Choctaw descent with the William Wade and John Wade mentioned in the records above quoted, and there is nothing to show that the ancestors through whom this applicant claims his Choctaw descent complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they were ever recognized members of the Choctaw tribe of Indians in Mississippi. The record further shows that this applicant asked for a continuance of his case until January 9, 1902, at 9 o'clock a.m., so that he might be able to bring before the Commission two witnesses, Joseph Gasser and John Lewis, whose testimony he claimed would tend to show that the William Wade through whom he claims is the William Wade mentioned in the above record, and that the said William Wade, his ancestor, complied with the provisions of article fourteen of the treaty of 1830; and in his motion stated that the said witnesses

were old and infirm and on account of the severity of the weather at the date of this rehearing said witnesses were unable to come before the Commission, and upon this showing the Commission granted the continuance asked for.

On January 9, 1902, this case was called for hearing in pursuance of the continuance heretofore granted, and the record shows that the applicant made personal appearance, and that his counsel, J. O. Pool, was also present; no appearance was made on behalf of the Choctaw and Chickasaw Nations. There was on this date submitted to the Commission the oral testimony of John Lewis, a full blood Choctaw Indian, who testified through Henry Byington, a sworn Choctaw interpreter, and the oral testimony of Joe Caesar, a negro witness. By the witness, John Lewis, it is attempted to be shown that he was acquainted with one Captain William Wade in Mississippi, and that he was an one half blood Choctaw Indian, who owned land and was a recognized member of the Choctaw tribe of Indians in Mississippi, but the witness states that he never knew the applicant, Wilbern Wade, until quite recently, and in no way connects the William Wade whom he claims to have known in Mississippi, with the applicant herein; and in no way shows that the William Wade that he knew in Mississippi ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the witness, Joe Caesar, it is attempted to be shown that he was acquainted with Captain William Wade in the state of Alabama, and that said William Wade had a son named John, and that they were recognized Choctaw Indians. The witness states that he does not know that the applicant, Wilbern Wade, is a son of the John Wade whom he knew as the son of Captain William Wade in the state of Alabama. This witness further states that when he last saw the Wade family in Alabama he was six years old, and that he has

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never seen them from that time on. There is nothing in his testimony which would tend to connect the applicant herein with the William and John Wade whom he knew in Alabama, nor is there anything in his testimony which would tend to show a compliance on the part of the John and William Wade whom he knew in Alabama with the provisions of article fourteen of the treaty of 1830.

The record further shows that on this day the applicant through his attorney filed a written motion asking that this case be indefinitely continued for the purpose of taking the depositions of three witnesses who reside in the Indian Territory. There was no showing made in the motion for the continuance that the witnesses whose depositions he desired to take were unable to appear before the Commission by reason of old age or infirmity. Upon the showing made by the said applicant for a further continuance, the Commission refused to grant such further continuance upon the ground that ample time had been allowed him to secure their evidence, and that reasonable diligence to procure same had not been shown.

As stated before in this review, this applicant claims descent through his father, John Wade, an alleged one half blood Choctaw, who was the son of William Wade, an alleged full blood Choctaw, whom he claims complied with the provisions of article fourteen of the treaty of 1830. The only evidence which tends to trace the applicant's descent at all is his own unsupported oral statement that he is a son of John Wade and a grandson of William Wade, but nothing in his testimony tends to show that his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they were ever recognized members of the Choctaw tribe of Indians in Mississippi. The

other evidence submitted by him at the several hearings had in this case, by which it was attempted to establish the fact that William Wade took land in Mississippi in 1830 under article fourteen, not only fails to establish that fact, but in no way connects this applicant with the William Wade known by said witnesses. The record cited above, Volume 7, American State Papers, Public Lands, pages 68 and 71, is a list of names of Choctaw Indians, heads of families, who resided in Moshulatubbee District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to, or shows, any compliance or attempted compliance on the part of the persons named therein with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any person by the name of William Wade ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.


The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

(8)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Wilbern Wade as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


C. A. Bruce

Commissioners.

Muskogee, Indian Territory,

1899

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Wilburn Wade for identification as a Mississippi Choctaw heard at Colbert, I. T. June 19, 1900, M.C.R. 318.

The applicant in this case claims Mississippi Choctaw Indian descent from William Wade through his son John Wade who was the husband of Jane Wade, a white woman.

Applicant testifies orally that he is the son of John Wade, deceased who was possessed of one-half Choctaw Indian blood and his wife, Jane Wade a white woman. That he was born in Alabama, near the Mississippi line, lived in Arkansas for three years and then moved to the Indian Territory and has resided in the Chickasaw and Choctaw Nations since 1889. Applicant also testifies his name is not on any of the Choctaw tribal rolls; that he appeared before the Choctaw tribal authorities at the time of the leased district payment and was refused on the ground of being a Mississippi Choctaw. He then testifies that he appeared before Henry Byington and not the Choctaw Council. He also testifies that "he thinks" that the name of his "fore-parents", William and John Wade are on the old Mississippi Choctaw roll; also that his grandfather came west and died.

In volume 7 page 6 8 American State Papers is the following entry found under the caption number 2 Form of Return:

Names of Indians owning farms.	Number of acres owned.	Entire number of family.	Males over ten years.
--------------------------------	------------------------	--------------------------	-----------------------

Capt. John Wade	30	12	6
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Males and females under ten years	Locality of farms	Total number of acres	General remarks.
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5	On Robinson Road, half mile from La'Ploons line	800	Poor land.
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Under same caption on page 71:

Names of Indians owning farms.	Number of acres claimed	Entire number of family	Males over 16 years
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Capt. Wm. Wade, (Indian)	13	15	4
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Males and females under ten years	Locality of farms	Total number of acres	General remarks
-----------------------------------	-------------------	-----------------------	-----------------

5	Oxnoboxy, adjoins the prairie	160	Land tolerable
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On page 124, volume 7, American State Papers there is also found the following entry under the caption, A list of Claims allowed:

Under the treaty in Mingo Mushshulatubbee's District.	Number of acres	Number of acres allowed
Capt. John Wade	30	640
Capt. William Wade (Indian)	13	180

Opposite this entry: Sold to Grant Clement.

There is no proof oral or documentary offered by the applicant to show that the Capt. John Wade and Capt. William Wade as reported above in Volume 7 American State Papers as claimants under the Treaty of 1830 are identical with William and John Wade whom applicant testifies are his Mississippi Choctaw ancestors. The only proof submitted is the oral testimony of the applicant who testifies he has no knowledge of compliance on part of his ancestors with any of the provisions of the treaty of 1830.

**DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

—ooo—

In the matter of the application of Wilbern Wade for identification as a Mississippi Choctaw.

—ooo—

The applicant, Wilbern Wade, appeared before the Commission at Colbert, Indian Territory, June 19th, 1900, and at that time made application for the identification of himself as a Mississippi Choctaw.

It appears from the evidence in this case that the name of the applicant, Wilbern Wade, has never been on any of the rolls of the Choctaw Nation; that he has never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, acting under Act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her right to be identified by the Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, is found in Section twenty-one of the Act of Congress, approved June 28th, 1898, (Curtis Bill) and is as follows, to-wit:

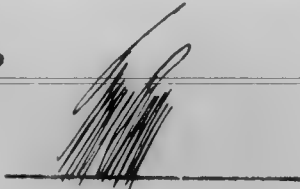
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all others acts necessary thereto, and make report to the Secretary of the Interior."

After carefully considering the testimony on behalf of the applicant, Wilbern Wade, given at the time of his personal appearance

before the Commission for Examination for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

The application for identification of Wilbern Wade as a Mississippi Choctaw is hereby refused.

BY THE COMMISSION,



Acting Chairman.

Muskogee, Indian Territory, Oct. 11 1900.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Wilburn Wade for identification as a Mississippi Choctaw heard at Colbert, I. T. June 19, 1900, M.C.R. 318.

The applicant in this case claims Mississippi Choctaw Indian descent from William Wade through his son John Wade who was the husband of Jane Wade, a white woman.

Applicant testifies orally that he is the son of John Wade, deceased who was possessed of one-half Choctaw Indian blood and his wife, Jane Wade a white woman. That he was born in Alabama, near the Mississippi line, lived in Arkansas for three years and then moved to the Indian Territory and has resided in the Chickasaw and Choctaw Nations since 1889. Applicant also testifies his name is not on any of the Choctaw tribal rolls; that he appeared before the Choctaw tribal authorities at the time of the leased district payment and was refused on the ground of being a Mississippi Choctaw. He then testifies that he appeared before Henry Byington and not the Choctaw Council. He also testifies that "he thinks" that the name of his "fore-parents", William and John Wade are on the old Mississippi Choctaw roll; also that his grandfather came west and died.

In volume 7 page 68, American State Papers is the following entry found under the caption number 2 Form of Return:

Names of Indians owning farms.	Number of acres owned.	Entire number of family.	Males over ten years.
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Capt. John Wade	30	12	0
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Males and females under ten years.	Locality of farms	Total number of acres	General remarks.
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5	On Robinson Road, half mile from La'Ploons line	800	Poor land.
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Under same caption on page 71:

Names of Indians owning farms.	Number of acres claimed	Entire number of family	Males over 16 years
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Capt. Wm. Wade, (Indian)	13	15	4
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Males and females under ten years	Locality of farms	Total number of acres	General remarks
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5	Oxnoboby, adjoins the prairie	160	Land tolerable
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On page 124, volume 7, American State Papers there is also found the following entry under the caption, A list of Claims allowed:

Under the treaty in Mingo Mushshulatubbee's District.	Number of acres	Number of acres allowed
Capt. John Wade	30	640
Capt. William Wade (Indian)	13	160

Opposite this entry: Sold to Grant Clement.

There is no proof oral or documentary offered by the applicant to show that the Capt. John Wade and Capt. William Wade as reported above in Volume 7 American State Papers as claimants under the Treaty of 1830 are identical with William and John Wade whom applicant testifies are his Mississippi Choctaw ancestors. The only proof submitted is the oral testimony of the applicant who testifies he has no knowledge of compliance on part of his ancestors with any of the provisions of the treaty of 1830.

This case remanded by the Department for rehearing under instructions contained in Departmental letter of July 25, 1901.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 9, 1902.

In the matter of the application of Wilburn Wade, et al., for identification as Mississippi Choctaws, M. C. P. 318.

On motion of attorney duly made this case was continued until this date, January 9, 1902; said case being called on said date the following proceedings were had.

Appearances:

J. O. Poole, Attorney for applicants.
Wilburn Wade, Principal Applicant.
John Lewis, witness.
Joe Caesar, witness.
No appearance for the Choctaw and Chickasaw Nations.

John Lewis, a witness called in behalf of the applicant being first duly sworn testified as follows through Henry Byington a sworn Choctaw interpreter.

Examination by the Commission:

Q What is your name? A John Lewis.
Q How old are you? A Seventy-nine years.
Q What is your post office address? A Boggy Depot.
Q Are you a recognized citizen of the Choctaw tribe of Indians?
A Yes.

By J. O. Poole, Attorney:

Q Did you know Captain William Wade, an Indian in Mississippi?
A Yes sir.
Q Where did Captain William Wade live in Mississippi? A Near a creek called Hutcha wher he used to live in Mississippi.
Q Did Captain William Wade have a family in Mississippi at the time you knew him? A Yes he had children.
Q How much of a family did he have - large family or small one?
A He said a large family and they always lived together as one family.
Q Was Captain William Wade a white man or Indian? A He was part white.
Q About what part white and what part Indian? A Says about half.
Q What was his wife? A white woman or Indian? A White woman.
Q Ask him if he knew of a place near where Captain William Wade lived that they called Oxnoby? A Yes sir.
Q How far did he live from Oxnoby? A Lived near there.
Q Ask him whether that was prairie land or timber land? A Timber land.
Q Ask him if there was any prairie close by? A No, no prairie there.

- Q How far away was the prairie land from Oxnooby? A Prairie not very far from there.
- Q About how far? A About two or three miles.
- Q Ask him if he knows the names of any of the children of Captain William Wade -- any of the boys? A Yes sir.
- Q Give the names of two or three of them? A John Wade, Willie Wade -- dont know any more.
- Q Did Captain Wade have a farm and live on a farm when he knew him? A Yes he had a farm.
- Q About how much land did he have in cultivation at the time he knew him? A Said he dont know anything about acres; supposed he might have had six or seven acres.
- Q Dont know anything about acres? A No.
- Q When did he last know this child of Captain William Wade, they called John? A He said he knew them at the time of the emigration when he moved from there.
- Q How old was John at that time? A He was'nt very many years; he dont know how old he was.
- Q And he last saw him about 1838 did he? A Said he dont know.
- Q Was it then the last Indian emigration was made to this nation?
- A That's the time.
- Q Did he ever know John Wade after he left Mississippi? A Never seen him since he left there; dont know where he died.

Attention of the Commission is here called to page 71 volume 7 of the American State Papers; under the heading Names of Indians owning farms, Captain William Wade (Indian, Acres in cultivation, 13, number of the entire family, 15, males over 16 years, four, males and females under ten years, five. Under the heading, Locality of Farms, Oxnooby, joins the prairie; Total Number of Acres, 160. Under the heading General Remarks, Land tolerable.

By the Commission:

- Q Do you know this applicant Wilburn Wade? A Said he didn't know him until recently he got acquainted with him.
- Q Do you know him to be the grandson of Captain William Wade?
- A He said he dont know personally himself but only--
- Q Have you any knowledge of Captain William Wade and his son John Wade from the time you left Mississippi and emigrated to the Indian Territory up to the time you recently knew this man Wilburn Wade? A Dont know.

JOE CARSTAR BEING CALLED AS A WITNESS IN BEHALF OF THE APPLICANT AND BEING DULY SWORN TESTIFIED AS FOLLOWS:

Examination by the Commission:

- Q How old are you? A I am about seventy-six.
- Q Where do you live? A I live in Blue County.
- Q Choctaw Nation? A Yes sir.
- Q How long have you lived in the Choctaw Nation? A About twenty-seven years.
- Q Where did you live before that? A In Texas.
- Q How long did you live in Texas? A I was raised pretty near there.
- Q Born there? A I left Alabama and come to the state of Texas.

Joe Casarez--1.

- Q How old were you when you left Alabama? A Well I was a small boy; I don't know exactly how old I was then.
- Q About how old? A A good size; I was between five and six years old - maybe more; I don't recollect.
- Q Have you any recollection of any events in Alabama before you left there of anything that happened before you left there; can you remember? A Yes I can recollect.
- Q Have you any recollection as to whether or a freedman of the Choctaw Nation in Indian Territory? A No sir.

By Attorney J. O. Packer:

- Q Was he acquainted with a man by the name of Captain William Wade in Alabama before you came to Texas? A Yes sir.
- Q How far did you live from where Captain Wade lived at that place? A It was not more than about a mile.
- Q Was he acquainted with his family? A Yes sir.
- Q Did you know any of any of his sons? A Yes sir.
- Q Give the names of some of them? A John, Daniel and Phillip; they had three boys; we played together.
- Q Which was the older - you John Wade? A I don't know which one of us was the oldest but me and John was the largest ones of the chaps.
- Q Were you about the same age? A Yes, we was near one size.
- Q When last did you last know or see John Wade? A I left him there; we moved away from there; my old boss moved away into Texas and we left them there.
- Q Did you ever see John Wade after you left Alabama? A No sir.
- Q Was John Wade a little boy or an Indian boy? A He was an Indian.
- Q Do you know whether or not his people talked the Indian language? A His mother talked Indian language.
- Q Was she a white woman or Indian? A No sir she was Indian. His wife was a white woman.
- Q Where was she? A William Wade's wife.
- Q Was she an Indian then? A William Wade was Indian and his mother was an Indian but his wife was a white woman.
- Q Was there a large family there or a small family? A I don't know exactly; I know that old lady and him and his children.
- Q How many children? A There was three of his children but I never recollect of seeing any more about the old lady.
- Q Then you have no means of knowing whether the John Wade that you played with as a boy was the father of this man Wade here or not? A No sir; I don't know nothing about it.
- Q But you do know that Captain William Wade and his son John were Indians? A Yes sir.
- Q Do you know whether the children talked the Indian language or not? A They would talk the one first and then the other; they would talk plain English and then get together and talk Choctaw.
- Q Did you understand the Choctaw language? A Yes sir I could understand it right smart then.
- Q Enough so you could tell what they were talking about? A Yes sir.
- Q Can you still understand it? A No sir.
- Q You have forgotten it have you? A Yes sir; I have forgot it since and I can't get it.

Here this applicant asks leave to file interrogatories for the purpose of taking depositions of Doc Dunford, of Oberlin, Indian Territory, David Anderson of Talihina, Indian Territory, and T.J. Lauderdale of Wade Post Office, Indian Territory, and states that said application will be prepared and filed forthwith and said depositions will be taken with the least possible delay, for the purpose of proving that this applicant is a lineal descendant of Captain William Wade and John Wade, his son.

Clara Mitchell Wood being first duly sworn upon her oath as stenographer for the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 31st day of January 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 12th day of January 1902.

(Signature)

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 7, 1902.

In the matter of the application of Wilbern Wade for identification as a Mississippi Choctaw, W.C.R.318

MOTION FOR CONTINUANCE

Here this applicant asks leave to file interrogatories for the purpose of taking depositions of Doc Dunford, of Oberlin, Indian Territory, Davis Anderson of Talihina, Indian Territory, and T. J. Lauderdale of Wade Post Office, Indian Territory, and states that said application will be prepared and filed forthwith and said depositions taken with the least possible delay, for the purpose of proving that this applicant is a lineal descent of Captain William Wade and John Wade, his son.

Clara Mitchell Wood, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 9th day of January, 1902, and that the above and foregoing is a full true and correct transcript of her stenographic notes of the motion for continuance made by the attorney for the applicant in said proceedings on said date.

Subscribed and sworn to before me this 14th day of January,
1902.

Clara Mitchell Wood
[Signature]
Commissioner.

Before the Commission to the
Five Civilized Tribes,

Muskogee, I.T.

Wilbern Wade being first duly sworn on his oath states,
That he is an applicant for identification as a Mississippi Choctaw
Indian. That his case was set for hearing before said Commission
at Muskogee, I.T. on the 16th day of December A.D. 1901, and the
testimony of this applicant taken at that time, That said case
was on application of this applicant continued to this 9th day of
January A.D. 1902.

That on this 9th day of January 1902 This applicant pro-
~~duced two witnesses viz John Lewis a full blood Choctaw Indian and~~
Jo Cezar a freedman.

That at the conclusion of the testimony of said witnesses
this applicant made an application to take the Deposition of three
witnesses viz Doc Dunford of Oberline I.T., Davis Anderson of
Tallohoun I.T. and T. J. Lauderdale of Wade I.T. That all of said
witnesses reside in the Indian Territory and more than fifty miles
from the Commission at Muskogee I.T.

Your affiant further states that he is a poor man and un-
able to pay the expense of said witnesses from their homes to Musko-
gee and pay them for their time while away from their homes, that
the testimony of said witnesses is material and necessary in his
case, That he expects to prove by said witnesses that he is a
direct lineal descendant of Copt William Wade who was a recognized
Choctaw Indian in Mississippi and Alabama in 1830 and took and
held lands under article 14 of the treaty of 1830, That this appli-
cation is made in good faith and not for the purpose of delay. At-
tention is here called to the motion now on file and a part of the
record in his case.

Welburn Wade

Subscribed and sworn to before me this 9th day of January A.D. 1902.

(S E A L)

Clara Mitchell Wood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, January 9th, 1902.

In the matter of the application of
Wilburn Wade, et al. for identification
as Mississippi Choctaws.

M.C.R.318

The decision of the Commission to the Five Civilized Tribes on the motion for an indefinite continuance of this cause for the purpose of taking the depositions of certain witnesses whose evidence it is desired to offer in support of such application.

After a consideration of the motion of the applicant for an indefinite continuance in this cause for the purpose of taking the depositions of Doc. Dunford, of Oberlin, Indian Territory, Davis Anderson, of Talihina, Indian Territory, T. J. Lauderdale, of Wade, Indian Territory, and the affidavit of the applicant submitted in support of such motion, it is the opinion of the Commission that the same should be denied for the reason that it does not appear that any attempt has been made prior to this time to obtain the personal appearance of these witnesses before the Commission either upon the date this case was originally set for re-hearing, December 16, 1901, nor upon the date to which the same was continued, January 9, 1902, nor has any application been made prior to this time to this Commission for the taking of the depositions of these witnesses in accordance with the rules and regulations of the Commission of November 4, 1901, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, and for the further reason

that one continuance having already been allowed in this cause on account of absent witnesses, the same should not be further continued for such reason and it is so ordered.



Commissioner in Charge.

Muskogee, Indian Territory,

January 9, 1902.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Wilbern Wade, for the identification of himself as a Mississippi Choctaw, M.C.R.-318.

--: D E C I S I O N :--

The record in the above application shows that on June 19, 1900, the said Wilbern Wade appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indian, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. He claims descent from John Wade, an alleged one half blood Choctaw, who married Jane Wade, a white woman, and who are the parents of this applicant, and now deceased.

The record in this case further shows that the applicant, Wilbern Wade, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor has he ever been admitted

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to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

There is no evidence offered in this case except the unsupported oral testimony of the applicant himself, in which he claims to have been born in the state of Alabama about the year 1865, and for the past seven years he has been residing in the Choctaw Nation, Indian Territory, and alleges that he is an one quarter blood Choctaw. He traces his Indian descent through his father, John Wade, to his grandfather William Wade, and alleges that they were residents of the state of Mississippi, but nothing in his testimony tends to shew when they resided there, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, and neither is it shown that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record in this case shows that on October 10, 1900, the written decision of the Commission was furnished this applicant, refusing the application which he had made for the identification of himself as a Mississippi Choctaw.

On December 3, 1900, the original testimony heard in the application of Wilbern Wade, together with the decision rendered by the Commission in said application, was forwarded to the Secretary of the Interior.

On July 25, 1901, the Commissioner of Indian Affairs, acting under instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Department in this case for further hearing.

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In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on November 11, 1901, notified the said Wilbern Wade that his application had been so remanded, and that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, December 16, 1901, at nine o'clock a.m., there would be heard the testimony of such witnesses as might be presented by him or on behalf of the Choctaw Nation. Notice to the same effect was on the same day given to Messrs. Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations.

On December 16, 1901, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock a.m., this case was called for hearing, and personal appearance was made by the applicant herein, but no appearance was made on the part of the Choctaw and Chickasaw Nations. At said rehearing, the applicant gave further testimony, wherein he claimed his right to be identified as a Mississippi Choctaw from his grandfather, William Wade, whom he alleges was a full blood Choctaw Indian and complied with the provisions of article fourteen of the treaty of 1830, and in his testimony reference was made to Page 68, Volume 7, American State Papers, Public Lands, and to the name of Capt. John Wade thereon; the applicant claimed that the John Wade named in that record is a brother of the William Wade through whom the applicant claims his Choctaw descent, and that the name of the said William Wade would be found upon page 71, of Volume 7, American State Papers, Public Land.

From an examination of the record above quoted, it is found

that the names of Capt. John Wade and Capt. Wm. Wade do appear upon pages 68 and 71 respectively, Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbe's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of a said treaty. The record above quoted in no way relates to, or shows, any compliance or attempted compliance on the part of the persons named therein with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

There is nothing in the testimony offered at this time that would tend to connect the William Wade through whom this applicant claims his alleged Choctaw descent with the William Wade and John Wade mentioned in the records above quoted, and there is nothing to show that the ancestors through whom this applicant claims his Choctaw descent complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they were ever recognized members of the Choctaw tribe of Indians in Mississippi. The record further shows that this applicant asked for a continuance of his case until January 9, 1902, at 9 o'clock a.m., so that he might be able to bring before the Commission two witnesses, Joseph Cassar and John Lewis, whose testimony he claimed would tend to show that the William Wade through whom he claims is the William Wade mentioned in the above record, and that the said William Wade, his ancestor, complied with the provisions of article fourteen of the treaty of 1830; and in his motion stated that the said witnesses

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were old and infirm and on account of the severity of the weather at the date of this rehearing said witnesses were unable to come before the Commission, and upon this showing the Commission granted the continuance asked for.

On January 9, 1902, this case was called for hearing in pursuance of the continuance heretofore granted, and the record shows that the applicant made personal appearance, and that his counsel, J. O. Pool, was also present; no appearance was made on behalf of the Choctaw and Chickasaw Nations. There was on this date submitted to the Commission the oral testimony of John Lewis, a full blood Choctaw Indian, who testified through Henry Byington, a sworn Choctaw interpreter, and the oral testimony of Joe Caesar, a negro witness. By the witness, John Lewis, it is attempted to be shown that he was acquainted with one Captain William Wade in Mississippi, and that he was an one half blood Choctaw Indian, who owned land and was a recognized member of the Choctaw tribe of Indians in Mississippi, but the witness states that he never knew the applicant, Wilbern Wade, until quite recently, and in no way connects the William Wade whom he claims to have known in Mississippi, with the applicant herein; and in no way shows that the William Wade that he knew in Mississippi ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the witness, Joe Caesar, it is attempted to be shown that he was acquainted with Captain William Wade in the state of Alabama, and that said William Wade had a son named John, and that they were recognized Choctaw Indians. The witness states that he does not know that the applicant, Wilbern Wade, is a son of the John Wade whom he knew as the son of Captain William Wade in the state of Alabama. This witness further states that when he last saw the Wade family in Alabama he was six years old, and that he has

never seen them from that time on. There is nothing in his testimony which would tend to connect the applicant herein with the William and John Wade whom he knew in Alabama, nor is there anything in his testimony which would tend to show a compliance on the part of the John and William Wade whom he knew in Alabama with the provisions of article fourteen of the treaty of 1830.

The record further shows that on this day the applicant through his attorney filed a written motion asking that this case be indefinitely continued for the purpose of taking the depositions of three witnesses who reside in the Indian Territory. There was no showing made in the motion for the continuance that the witnesses whose depositions he desired to take were unable to appear before the Commission by reason of old age or infirmity. Upon the showing made by the said applicant for a further continuance, the Commission refused to grant such further continuance upon the ground that ample time had been allowed him to secure their evidence, and that reasonable diligence to procure same had not been shown.

As stated before in this review, this applicant claims descent through his father, John Wade, an alleged one half blood Choctaw, who was the son of William Wade, an alleged full blood Choctaw, whom he claims complied with the provisions of article fourteen of the treaty of 1830. The only evidence which tends to trace the applicant's descent at all is his own unsupported oral statement that he is a son of John Wade and a grandson of William Wade, but nothing in his testimony tends to show that his ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they were ever recognized members of the Choctaw tribe of Indians in Mississippi. The

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other evidence submitted by him at the several hearings had in this case, by which it was attempted to establish the fact that William Wade took land in Mississippi in 1830 under article fourteen, not only fails to establish that fact, but in no way connects this applicant with the William Wade known by said witnesses. The record cited above, Volume 7, American State Papers, Public Lands, pages 68 and 71, is a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbee District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who, at the date of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to, or shows, any compliance or attempted compliance on the part of the persons named therein with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any person by the name of William Wade ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.

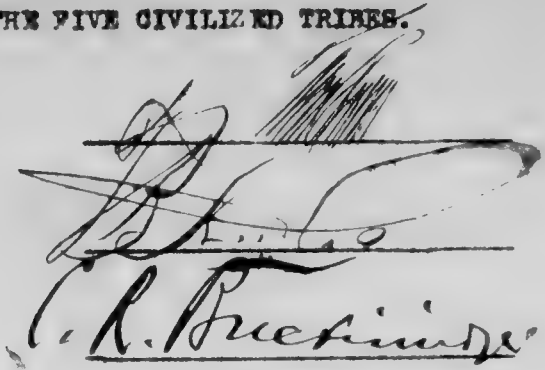
The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

(8)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Wilbern Wade as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

A large, stylized handwritten signature in dark ink, appearing to read "C. R. Presimpe". The signature is written over a horizontal line and has a flourish extending to the right.

Commissioners.

Muskogee, Indian Territory,

JAN 29 1902

Muskogee, Indian Territory, November 4, 1901.

Wilbern Wade,

Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 1, 1901, in which you ask to be informed if any papers have been received and filed in your case.

In reply to your letter you are advised that on June 18, 1900, Wilbern Wade appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw. No documentary evidence of any nature has been filed in support of this application. On October 1, 1900, decision was rendered, denying the said application and on December 3, 1901, the original record in the case was transmitted to the Secretary of the Interior. On July 25, 1901, the Department remanded this case to the Commission with instructions that opportunity be given the applicant for the introduction of additional testimony in support of his claim. In accordance with such instructions, Monday, December 16, 1901, has been fixed for the hearing of additional testimony in this case, and on that date the Commission will hear, at its office at Muskogee, Indian Territory, the testimony of such witnesses as you may desire to

W.V. 3

introduce in support of your application for identification as a
Mississippi Choctaw.

Yours truly,

Acting Chairman.

WCF 318

Muskogee, Indian Territory, November 11, 1901.

Messrs. Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, I. T.

Gentlemen:

You are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on Monday, December 16, 1901 at nine o'clock A. M. there will be heard the evidence of such witnesses as may present themselves in person in support of the application of Wilburn Wade for identification as a Mississippi Choctaw.

Yours truly,

M. C. 318.

Acting Chairman.

Muskogee, Indian Territory, November 11, 1901.

Wilburn Wade,

Madill, Indian Territory.

Dear Sir:

In the matter of your application for identification
as a Mississippi Choctaw you are informed that under date of July 25, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on Monday, December 16, 1901, at nine o'clock A. M., there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M. C. 318.

Acting Chairman.

Muskogee, Indian Territory, November 11, 1901.

The Commissioner
Of Indian Affairs,

Washington, D. C.

Sir:

In the matter of the application of Wilburn Wade for identification as a Mississippi Choctaw, record of which was returned with letter of your office dated July 25, 1901, with instructions for further hearing,

The Commission to the Five Civilized Tribes has notified the applicant in this case and the attorneys for the Choctaw Nation, that additional evidence of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory on Monday December 16, 1901 at nine o'clock, A. M.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 10, 1902.

Wilburn Wade,

Madill, Indian Territory.

Dear Sir:

You are informed that on January 9, 1902, the Commission, ~~after a careful consideration of the motion submitted by you for an~~ indefinite continuance of your case as an applicant for identification as a Mississippi Choctaw for the purpose of taking of the depositions of Doc Dunford, of Oberlin, Indian Territory, Davis Amerson of Talihina, Indian Territory and T. J. Lauderdale of Wade, Post Office, Indian Territory, denied the same.

You are further informed that the Commission to the Five Civilized Tribes ~~will not~~ receive or consider any further evidence in support of your application for identification as a Mississippi Choctaw but will render its decision and opinion upon such evidence as has been submitted and will at as early a date as practicable forward the same to the secretary of the Interior for his approval of the action of the Commission.

Yours truly,

MBR. 318

Commissioner in Charge.

Muskogee, Indian Territory, January 10, 1902.

L. P. Hudson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the procedure before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, January 9, 1902, in the matter of the application of Wilburn Wade for identification as a Mississippi Choctaw.

The Commission on that date denied the application for an indefinite continuance in this cause for the purpose of taking depositions of Doc Dunford, of Oberlin, Indian Territory, Davis Anderson, of Talihina, Indian Territory and T. J. Lauderdale, of Wade, Indian Territory, for the reasons set forth in the decision, a copy of which is enclosed you herewith.

The Commission to the Five Civilized Tribes will not receive or consider any further evidence of any character in support of this application but will decide the same and render its opinion upon the evidence now submitted and at as early a date as practicable forward the record so made to the Secretary of the Interior for his approval of the Commission's action.

Yours truly,

126 R 318

Commissioner in Charge

COPY

Muskogee, Indian Territory, February 4, 1902

J. O. Poole,
Attorney at Law,
Nacoma, Texas.

Dear Sir:-

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Wilbern Wade for the identification of himself as a Mississippi Choctaw, M.C.R. No. 318.

Said decision after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Wilbern Wade, as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly, *James D. Dancy*

U.S. DEPT. OF THE INTERIOR

M.C.R. 318
Registered

Acting Chairman

COPY.

Muskogee, Indian Territory, February 4, 1902

The Honorable

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Wilbern Wade, an applicant to the Commission for identification as a Mississippi Choctaw, (M.C.R. 318) including the decision of the Commission of January 29th, 1902.

The Commission has the honor to report that the above applicant, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. H. H. H. H.
Acting Chairman

Through the Commissioner
Of Indian Affairs.

M.C.R. 318

1 inclosure

Copy

Muskogee, Indian Territory, February 4, 1902

Wilbern Wade,

Cliff, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Wilbern Wade for the identification of himself as a Mississippi Choctaw, M.C.R. No. 318.

Said decision after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Wilbern Wade as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Dancy,

(S)

Acting Chairman

M.C.R. 318
Registered

COPY.

Muskogee, Indian Territory, February 4, 1902

Messrs. Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Wilbern Wade for the identification of himself as a Mississippi Choctaw, W.C.R. No. 318

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Wilbern Wade as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

M., McM. ' C.-----2

Interior for review, and you will be informed in due time of
such action as may be taken by him.

Yours truly,

Acting Chairman

M.C.R. 318

Registered.

ATION AS
CHOCTAW

Wilbern Wade

MAR 318

1
COPY

DEPARTMENT OF THE INTERIOR,

Land

8768-1902

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 27, 1902.

The honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the acting chairman of the Commission to the five Civilized Tribes, dated February 4, 1902, forwarding for the department's consideration, the record relative to the application of Wilbern Wade for identification as a Mississippi Choctaw entitled to rights in the Choctaw nation under and in accordance with the provisions of the 14th article of the treaty of 1830.

The record of this case shows that on June 19, 1900, the applicant applied to the Commission for identification; that testimony was taken; that thereafter, in accordance with the instructions of this office to the commission by direction of the Department, the applicant was granted a further hearing. This applicant alleges and attempts to establish that he is a son of John Wade, who was a son of William Wade - apparently Capt. William Wade.

The applicant, at the time of the hearing at Muskogee, to-wit: on January 9, 1902, filed a motion requesting the Commis-

sion to continue the case until he had an opportunity to take the depositions of certain persons mentioned in the motion, who resided within the limits of Indian Territory but remote from the Commission's office at Muskogee.

In this motion, it is alleged "that he (the applicant) expects to prove by said witnesses that he is a direct lineal descendant of Capt. William Wade, who was a recognized Choctaw Indian in Mississippi and Alabama in 1830, and took and held lands under article 14 of the treaty of 1830."

The Commission on January 29, 1902, found that the applicant was not entitled to identification as a Mississippi Choctaw under the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office shows that Capt. William Wade was a 19th article claimant. Reservation book "C" shows the following entry:

Treaty	Reservee	Location	District
19th Art. Choctaw Treaty '30	x	x	x
Do.	Capt. William Wade	SE/4 of 4-15-16 E	N. Eastern

The office does not believe that the evidence before it is sufficient to establish that the applicant Wilbern Wade is a grandson of capt. William Wade, and if it were sufficient to

establish said relation, the applicant would not be entitled to enrollment for the reason that Capt. William Wade was not, according to the records of this office, a beneficiary under the provisions of the 14th article of the treaty of 1830, but that he took land under the provisions of the 19th article of said treaty.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicant be approved.

Very respectfully,

Your obedient servant,

A.C. TONNER

G.A.W. (B)

Acting Commissioner

19804

J.P.
P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 2031-1902

April 3, 1902.

L.R.S.

Commission to the five civilized tribes,

Muskogee, I.T.

Gentlemen:

The Department has considered the case involving the application of Wilbern Wade for identification as a Mississippi Choctaw, transmitted with your letter of February 4, 1902, and the Acting Commissioner of Indian Affairs' letter of March 27, 1902, in which he recommends that your decision rejecting the application be affirmed.

The applicant claims his Indian descent through his father to his grandfather, William Wade, an alleged one-half blood Choctaw resident of Mississippi, but there is nothing to show that William Wade complied or attempted to comply with the fourteenth article of the treaty of 1830 (7 Stat., 333), referred to in section 21 of the act of June 28, 1898 (30 Stat., 495), or that he ever presented a claim as a beneficiary under said article to either of the commissions authorized by the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner reports that the records of the Indian Office show that Captain William Wade, the applicant's alleged grandfather, was a claimant under the 19th article of said treaty; that the evidence in this case is not sufficient to establish that the applicant is a grandson of Captain Wade, and that, if it were, the applicant would not be entitled to enrollment as Captain Wade was not a beneficiary under the fourteenth article of the treaty.

The Department has carefully considered the matter, and in accordance with the recommendation of the Acting Commissioner your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan
Acting Secretary.

1 inclosure.

Miss. Choctaw R 318.

Muskogee, Indian Territory, April 10, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Wilbern Wade, of which decision you were duly advised by registered mail on the fourth day of February, 1902.

Yours truly,

Acting Chairman.

Miss. Chootaw R 318

Muskogee, Indian Territory, April 18, 1902.

L. F. Hudson,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Chootaw of Wilbern Wade, of which decision you were duly advised by registered mail on the fourth day of February, 1902.

Yours truly,

Acting Chairman.

Miss. Choctaw R 318

Muskogee, Indian Territory, April 18, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas,

Dear sir:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Wilbern Wade, of which decision you were duly advised by registered mail on the fourth day of February, 1902.

Yours truly,

Acting Chairman.

Miss. Choctaw R 318

Muskogee, Indian Territory, April 18, 1902.

Wilbern Wade,

Cliff, Indian Territory,

Dear Sir:

You are hereby advised that on the third day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Wilbern Wade, of which decision you were duly advised by registered mail on the fourth day of February, 1902.

Yours truly,

Acting Chairman.

mbA 318

William Wade

William Wade — John Wade $\frac{1}{2}$ —
Jane Wade, white,
wife

Wilborn Wade $\frac{1}{4}$ &

MISSISSIPPI CHOCTAW.

MEMORANDA.

(Date)

1899.

Name

Choctaw ?

MISSISSIPPI CHOCTAW.

County

Year

No.

Chickasaw ?

County

Year

Page

Citizen by blood ?

Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ?

County

Year

No.

Chickasaw ?

County

Year

Page

Citizen by blood ?

Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

County

Year

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No.

MISSISSIPPI CHOCTAW.

MISSISSIPPI CHOCTAW.

MISSISSIPPI CHOCTAW.

MISSISSIPPI CHOCTAW.

CHOCTAW.

(100 -) - John Wade
(100 -) - Jane Wade

Wilburn Wade.

^{vs.}
Choctaw Nation

MISSISSIPPI CHOCTAW.

Case No. 8, 81.

Original testimony and all papers filed in

this case forwarded Secretary of Interior,

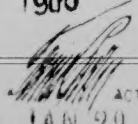
DEC 3 1900

FOR IDENTIFICATION AS R. 318
A MISSISSIPPI CHOCTAW.

Wilbur Wade
REFUSED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

OCT 1 1900

 ACTING CHAIRMAN.

DECISION RENDERED. JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB -4 1902

NOTICE OF DECISION MAILED APPLICANT:

FEB -4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR -4 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 17 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 17 1902

IDENTIFICATION AS
MICHOCOCTAW #18
REFUSED.

Milburn Wade

JUDGMENT WRITTEN. SEPT. 17, 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

OCT 1 1900



ACTING CHAIRMAN

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61036	Indian Office.	1900
	Incl. No. 99	

Nov. 4, 1901
Latest address Madell, D. F.

END

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ROLL

